
HOUSE BILL 3212

State of Washington

58th Legislature

2004 Regular Session

By Representatives Hunt, McDermott, Conway, Voloria, Cooper, Hudgins, Darneille, Romero and Dickerson

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1 AN ACT Relating to creating an open primary with voluntary party
2 registration; amending RCW 29A.04.007, 29A.04.215, 29A.04.310,
3 29A.04.320, 29A.08.110, 29A.08.125, 29A.08.135, 29A.08.140, 29A.08.145,
4 29A.08.210, 29A.08.340, 29A.08.350, 29A.08.360, 29A.08.410, 29A.08.430,
5 29A.08.645, 29A.08.710, 29A.12.100, 29A.20.020, 29A.20.120, 29A.20.140,
6 29A.20.150, 29A.20.160, 29A.20.170, 29A.20.190, 29A.20.200, 29A.24.030,
7 29A.24.100, 29A.24.130, 29A.24.210, 29A.24.310, 29A.28.040, 29A.28.060,
8 29A.28.070, 29A.32.030, 29A.32.240, 29A.36.010, 29A.36.100, 29A.36.110,
9 29A.36.120, 29A.36.130, 29A.36.150, 29A.36.160, 29A.36.190, 29A.40.060,
10 29A.40.090, 29A.44.020, 29A.44.200, 29A.44.230, 29A.52.230, 29A.52.310,
11 29A.52.320, 29A.60.020, 29A.80.040, 29A.80.050, and 42.17.020;
12 reenacting and amending RCW 42.17.310 and 42.17.310; adding new
13 sections to chapter 29A.04 RCW; adding a new section to chapter 29A.08
14 RCW; adding a new section to chapter 29A.32 RCW; adding a new section
15 to chapter 29A.36 RCW; adding a new section to chapter 29A.40 RCW;
16 adding new sections to chapter 29A.52 RCW; adding a new section to
17 chapter 29A.60 RCW; adding a new section to chapter 29A.64 RCW; adding
18 a new section to chapter 29A.68 RCW; adding a new chapter to Title 29A
19 RCW; creating new sections; repealing RCW 29A.04.903, 29A.36.140,
20 29A.52.110, 29A.52.120, 29A.52.130, and 29A.56.010; prescribing
21 penalties; providing an effective date; providing expiration dates; and

1 declaring an emergency.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

3 **PART 1 - PRIMARY**

4 **Sec. 101.** RCW 29A.04.007 and 2003 c 111 s 102 are each amended to
5 read as follows:

6 As used in this title:

7 (1) "Ballot" means, as the context implies, either:

8 (a) The issues and offices to be voted upon in a jurisdiction or
9 portion of a jurisdiction at a particular primary, general election, or
10 special election;

11 (b) A facsimile of the contents of a particular ballot whether
12 printed on a paper ballot or ballot card or as part of a voting machine
13 or voting device;

14 (c) A physical or electronic record of the choices of an individual
15 voter in a particular primary, general election, or special election;
16 or

17 (d) The physical document on which the voter's choices are to be
18 recorded;

19 (2) "Paper ballot" means a piece of paper on which the ballot for
20 a particular election or primary has been printed, on which a voter may
21 record his or her choices for any candidate or for or against any
22 measure, and that is to be tabulated manually;

23 (3) "Ballot card" means any type of card or piece of paper of any
24 size on which a voter may record his or her choices for any candidate
25 and for or against any measure and that is to be tabulated on a vote
26 tallying system;

27 (4) "Sample ballot" means a printed facsimile of all the issues and
28 offices on the ballot in a jurisdiction and is intended to give voters
29 notice of the issues, offices, and candidates that are to be voted on
30 at a particular primary, general election, or special election;

31 (5) "Provisional ballot" means a ballot issued to a voter at the
32 polling place on election day by the precinct election board, for one
33 of the following reasons:

34 (a) The voter's name does not appear in the poll book;

1 (b) There is an indication in the poll book that the voter has
2 requested an absentee ballot, but the voter wishes to vote at the
3 polling place;

4 (c) The voter asserts that he or she is registered in a different
5 major political party from what appears in the poll book and wants to
6 vote the party ballot of that different party;

7 (d) There is a question on the part of the voter concerning the
8 issues or candidates on which the voter is qualified to vote;

9 (6) "Party ballot" means a primary election ballot specific to a
10 particular major political party listing all partisan offices to be
11 voted on at that primary, and the candidates for those offices who
12 affiliate with that same major political party, together with all
13 nonpartisan races and ballot measures to be voted on at a primary;

14 (7) "Nonpartisan ballot" means a primary election ballot listing
15 only nonpartisan races and ballot measures to be voted on at that
16 primary election.

17 (8) "Party not participating in the primary" means: (a) A minor
18 political party; or (b) a major political party if that major political
19 party is required by section 301 or 302 of this act to nominate its
20 candidates pursuant to RCW 29A.20.110 through 29A.20.200.

21 (9) "Party participating in the primary" means a major political
22 party that is nominating its candidates pursuant to sections 157
23 through 160 of this act.

24 NEW SECTION. Sec. 102. A new section is added to chapter 29A.04
25 RCW to read as follows:

26 "Registered party member" means a registered voter who chooses to
27 affiliate with a political party as part of his or her voter
28 registration. Party affiliation as part of voter registration includes
29 major and minor political parties. A registered voter is not required
30 to affiliate with a political party to be eligible to vote in a primary
31 or election.

32 NEW SECTION. Sec. 103. A new section is added to chapter 29A.04
33 RCW to read as follows:

34 "Unaffiliated voter" means a registered voter who is not a
35 registered party member of any major political party.

1 **Sec. 104.** RCW 29A.04.215 and 2003 c 111 s 134 are each amended to
2 read as follows:

3 The county auditor of each county shall be ex officio the
4 supervisor of all primaries and elections, general or special, and it
5 shall be the county auditor's duty to provide places for holding such
6 primaries and elections; to appoint the precinct election officers and
7 to provide for their compensation; to provide the supplies and
8 materials necessary for the conduct of elections to the precinct
9 election officers; and to publish and post notices of calling such
10 primaries and elections in the manner provided by law. The notice of
11 a (~~general election~~) primary held in an even-numbered year must
12 indicate that the office of precinct committee officer will be on the
13 party ballot. The auditor shall also apportion to each city, town, or
14 district, and to the state of Washington in the odd-numbered year, its
15 share of the expense of such primaries and elections. This section
16 does not apply to general or special elections for any city, town, or
17 district that is not subject to RCW 29A.04.320 and 29A.04.330, but all
18 such elections must be held and conducted at the time, in the manner,
19 and by the officials (with such notice, requirements for filing for
20 office, and certifications by local officers) as provided and required
21 by the laws governing such elections.

22 **Sec. 105.** RCW 29A.04.310 and 2003 c 111 s 143 are each amended to
23 read as follows:

24 Nominating primaries for general elections to be held in November,
25 and the election of precinct committee officers, must be held on the
26 third Tuesday of the preceding September or on the seventh Tuesday
27 immediately preceding such general election, whichever occurs first.

28 **Sec. 106.** RCW 29A.04.320 and 2003 c 111 s 144 are each amended to
29 read as follows:

30 (1) All state, county, city, town, and district general elections
31 for the election of federal, state, legislative, judicial, county,
32 city, town, and district(~~(, and precinct)~~) officers, and for the
33 submission to the voters of the state, county, city, town, or district
34 of any measure for their adoption and approval or rejection, shall be
35 held on the first Tuesday after the first Monday of November, in the
36 year in which they may be called. A statewide general election shall

1 be held on the first Tuesday after the first Monday of November of each
2 year. However, the statewide general election held in odd-numbered
3 years shall be limited to (a) city, town, and district general
4 elections as provided for in RCW 29A.04.330, or as otherwise provided
5 by law; (b) the election of federal officers for the remainder of any
6 unexpired terms in the membership of either branch of the Congress of
7 the United States; (c) the election of state and county officers for
8 the remainder of any unexpired terms of offices created by or whose
9 duties are described in Article II, section 15, Article III, sections
10 16, 17, 19, 20, 21, 22, and 23, and Article IV, sections 3 and 5 of the
11 state Constitution and RCW 2.06.080; (d) the election of county
12 officers in any county governed by a charter containing provisions
13 calling for general county elections at this time; and (e) the approval
14 or rejection of state measures, including proposed constitutional
15 amendments, matters pertaining to any proposed constitutional
16 convention, initiative measures and referendum measures proposed by the
17 electorate, referendum bills, and any other matter provided by the
18 legislature for submission to the electorate.

19 (2) A county legislative authority may, if it deems an emergency to
20 exist, call a special county election by presenting a resolution to the
21 county auditor at least forty-five days prior to the proposed election
22 date. Except as provided in subsection (4) of this section, a special
23 election called by the county legislative authority shall be held on
24 one of the following dates as decided by such governing body:

- 25 (a) The first Tuesday after the first Monday in February;
- 26 (b) The second Tuesday in March;
- 27 (c) The fourth Tuesday in April;
- 28 (d) The third Tuesday in May;
- 29 (e) The day of the primary as specified by RCW 29A.04.310; or
- 30 (f) The first Tuesday after the first Monday in November.

31 (3) In addition to the dates set forth in subsection (2)(a) through
32 (f) of this section, a special election to validate an excess levy or
33 bond issue may be called at any time to meet the needs resulting from
34 fire, flood, earthquake, or other act of God. Such county special
35 election shall be noticed and conducted in the manner provided by law.

36 (4) In a presidential election year, if a presidential preference
37 primary is conducted in February, March, April, or May under chapter
38 29A.56 RCW, the date on which a special election may be called by the

1 county legislative authority under subsection (2) of this section
2 during the month of that primary is the date of the presidential
3 primary.

4 (5) This section shall supersede the provisions of any and all
5 other statutes, whether general or special in nature, having different
6 dates for such city, town, and district elections, the purpose of this
7 section being to establish mandatory dates for holding elections except
8 for those elections held pursuant to a home-rule charter adopted under
9 Article XI, section 4 of the state Constitution. This section shall
10 not be construed as fixing the time for holding primary elections, or
11 elections for the recall of any elective public officer.

12 **Sec. 107.** RCW 29A.08.110 and 2003 c 111 s 206 are each amended to
13 read as follows:

14 (1) On receipt of an application for voter registration under this
15 chapter, the county auditor shall review the application to determine
16 whether the information supplied is complete. An application that
17 contains the applicant's name, complete valid residence address, date
18 of birth, and signature attesting to the truth of the information
19 provided on the application is complete. If it is not complete, the
20 auditor shall promptly mail a verification notice of the deficiency to
21 the applicant. This verification notice shall require the applicant to
22 provide the missing information. If the verification notice is not
23 returned by the applicant or is returned as undeliverable the auditor
24 shall not place the name of the applicant on the county voter list. If
25 the applicant provides the required information, the applicant shall be
26 registered to vote as of the date of mailing of the original voter
27 registration application. Party affiliation information is not
28 required for a complete voter registration.

29 (2) If the information is complete, the applicant is considered to
30 be registered to vote as of the date of mailing. The auditor shall
31 record the appropriate precinct identification, taxing district
32 identification, ((and)) date of registration, and party affiliation, if
33 any, on the voter's record. Within forty-five days after the receipt
34 of an application but no later than seven days before the next primary,
35 special election, or general election, the auditor shall send to the
36 applicant, by first class mail, an acknowledgement notice identifying
37 the registrant's precinct and party affiliation, if any, and containing

1 such other information as may be required by the secretary of state.
2 The postal service shall be instructed not to forward a voter
3 registration card to any other address and to return to the auditor any
4 card which is not deliverable. If the applicant has indicated that he
5 or she is registered to vote in another county in Washington but has
6 also provided an address within the auditor's county that is for voter
7 registration purposes, the auditor shall send, on behalf of the
8 registrant, a registration cancellation notice to the auditor of that
9 other county and the auditor receiving the notice shall cancel the
10 registrant's voter registration in that other county. If the
11 registrant has indicated on the form that he or she is registered to
12 vote within the county but has provided a new address within the county
13 that is for voter registration purposes, the auditor shall transfer the
14 voter's registration.

15 (3) If an acknowledgement notice card is properly mailed as
16 required by this section to the address listed by the voter as being
17 the voter's mailing address and the notice is subsequently returned to
18 the auditor by the postal service as being undeliverable to the voter
19 at that address, the auditor shall promptly send the voter a
20 confirmation notice. The auditor shall place the voter's registration
21 on inactive status pending a response from the voter to the
22 confirmation notice.

23 NEW SECTION. **Sec. 108.** A new section is added to chapter 29A.08
24 RCW to read as follows:

25 In addition to the information required by RCW 29A.08.010 for voter
26 registration, the county auditor shall provide each voter an
27 opportunity to affiliate with a major political party by checking the
28 appropriate box, or to indicate that the voter wants to affiliate with
29 a minor political party not listed, as part of his or her voter
30 registration. A voter may choose any major or minor political party,
31 or may make no party selection. Under no circumstances may an
32 individual be required to affiliate with a political party in order to
33 register to vote. Each voter who chooses to affiliate with a major
34 political party as part of his or her voter registration is considered
35 a "registered party member" of that political party so long as he or
36 she maintains that affiliation as part of his or her voter
37 registration. A voter who does not affiliate with any major party on

1 his or her voter registration form will be considered to be an
2 unaffiliated voter. A voter may not affiliate with more than one
3 political party at a time, but may change his or her party affiliation
4 information in a manner consistent with the procedures for changing a
5 voter registration address, as provided in RCW 29A.08.140, 29A.08.145,
6 and 29A.08.430: PROVIDED, HOWEVER, That a change of party affiliation
7 made less than thirty days prior to a primary shall not be effective
8 until the day after the primary.

9 No record may be created or maintained by a state or local
10 governmental agency that identifies a voter with the votes cast by the
11 voter.

12 **Sec. 109.** RCW 29A.08.125 and 2003 c 111 s 209 are each amended to
13 read as follows:

14 Each county auditor shall maintain a computer file containing the
15 records of all registered voters within the county. The auditor may
16 provide for the establishment and maintenance of such files by private
17 contract or through interlocal agreement as provided by chapter 39.34
18 RCW. The computer file must include, but not be limited to, each
19 voter's last name, first name, middle initial, date of birth, residence
20 address, gender, party affiliation, if any, date of registration,
21 applicable taxing district and precinct codes, and the last date on
22 which the individual voted. The county auditor shall subsequently
23 record each consecutive date upon which the individual has voted and
24 retain at least the last five such consecutive dates. If the voter has
25 not voted at least five times since establishing his or her current
26 registration record, only the available dates will be included.

27 **Sec. 110.** RCW 29A.08.135 and 2003 c 111 s 211 are each amended to
28 read as follows:

29 The county auditor shall acknowledge each new voter registration or
30 transfer of address or party affiliation by providing or sending the
31 voter a card identifying his or her current precinct and party
32 affiliation, if any, and containing such other information as may be
33 prescribed by the secretary of state. When a person who has previously
34 registered to vote in a jurisdiction applies for voter registration in
35 a new jurisdiction, the person shall provide on the registration form,
36 all information needed to cancel any previous registration. The county

1 auditor shall forward any information pertaining to the voter's prior
2 voter registration to the county where the voter was previously
3 registered, so that registration may be canceled. If the prior voter
4 registration is in another state, the notification must be made to the
5 state elections office of that state. A county auditor receiving
6 official information that a voter has registered to vote in another
7 jurisdiction shall immediately cancel that voter's registration.

8 **Sec. 111.** RCW 29A.08.140 and 2003 c 111 s 212 are each amended to
9 read as follows:

10 The registration files of all precincts shall be closed against
11 original registration or transfers of address or party affiliation for
12 thirty days immediately preceding every primary, special election, and
13 general election to be held in such precincts.

14 The county auditor shall give notice of the closing of the precinct
15 files for original registration and transfer and notice of the special
16 registration and voting procedure provided by RCW 29A.08.145 by one
17 publication in a newspaper of general circulation in the county at
18 least five days before the closing of the precinct files.

19 No person may vote at any primary, special election, or general
20 election in a precinct polling place unless he or she has registered to
21 vote at least thirty days before that primary or election. If a
22 person, otherwise qualified to vote in the state, county, and precinct
23 in which he or she applies for registration, does not register at least
24 thirty days before any primary, special election, or general election,
25 he or she may register and vote (~~by absentee ballot~~) for that primary
26 or election under RCW 29A.08.145.

27 **Sec. 112.** RCW 29A.08.145 and 2003 c 111 s 213 are each amended to
28 read as follows:

29 This section establishes a special procedure which an elector may
30 use to register to vote or change his or her voter registration address
31 during the period beginning after the closing of registration for
32 voting at the polls under RCW 29A.08.140 and ending on the fifteenth
33 day before a primary, special election, or general election. A
34 qualified elector in the (~~county~~) state may register to vote or
35 change his or her registration address in person in the office of the
36 county auditor or at a voter registration location specifically

1 designated for this purpose by the county auditor of the county in
2 which the applicant resides, and apply for an absentee ballot for that
3 primary or election. The auditor or registration assistant shall
4 register that individual in the manner provided in this chapter and
5 provide an absentee ballot. If the elector is not registered to vote
6 in Washington, and registers less than thirty days before a primary
7 election, the absentee ballot or ballots must comply with RCW
8 29A.40.090, and the elector's party affiliation, if any. The
9 application for an absentee ballot executed by the newly registered
10 voter for the primary or election that follows the execution of the
11 registration shall be promptly transmitted to the auditor with the
12 completed voter registration form.

13 **Sec. 113.** RCW 29A.08.210 and 2003 c 111 s 216 are each amended to
14 read as follows:

15 An applicant for voter registration shall complete an application
16 providing the following information concerning his or her
17 qualifications as a voter in this state:

- 18 (1) The address of the last former registration of the applicant as
19 a voter in the state;
- 20 (2) The applicant's full name;
- 21 (3) The applicant's date of birth;
- 22 (4) The address of the applicant's residence for voting purposes;
- 23 (5) The mailing address of the applicant if that address is not the
24 same as the address in subsection (4) of this section;
- 25 (6) The sex of the applicant;
- 26 (7) A declaration that the applicant is a citizen of the United
27 States;
- 28 (8) The applicant's signature; and
- 29 (9) Any other information that the secretary of state determines is
30 necessary to establish the identity of the applicant and prevent
31 duplicate or fraudulent voter registrations.

32 The application must also include a box for the applicant to check
33 in order to affiliate with a major political party or indicate
34 affiliation with a minor political party not listed. Affiliation with
35 a political party is not required for registration, and lack of party
36 affiliation may not be used as grounds for not registering an applicant
37 to vote.

1 This information shall be recorded on a single registration form to
2 be prescribed by the secretary of state.

3 If the applicant fails to provide the information required for
4 voter registration, the auditor shall send the applicant a verification
5 notice. The auditor shall not register the applicant until the
6 required information is provided. If a verification notice is returned
7 as undeliverable or the applicant fails to respond to the notice within
8 forty-five days, the auditor shall not register the applicant to vote.

9 The following warning shall appear in a conspicuous place on the
10 voter registration form:

11 "If you knowingly provide false information on this voter
12 registration form or knowingly make a false declaration about your
13 qualifications for voter registration you will have committed a class
14 C felony that is punishable by imprisonment for up to five years, or by
15 a fine of up to ten thousand dollars, or both imprisonment and fine."

16 The voter registration form must include information on how to
17 affiliate with a political party, and the fact that party affiliation
18 is not required to register to vote.

19 **Sec. 114.** RCW 29A.08.340 and 2003 c 111 s 225 are each amended to
20 read as follows:

21 (1) A person may register to vote(~~(, transfer a voter~~
22 ~~registration,)~~) or change his or her voter registration name (~~(for~~
23 ~~voter registration purposes)~~), address, or party affiliation when he or
24 she applies for or renews a driver's license or identification card
25 under chapter 46.20 RCW.

26 (2) To register to vote(~~(, transfer his or her voter~~
27 ~~registration,)~~) or change his or her voter registration name (~~(for~~
28 ~~voter registration purposes)~~), address, or party affiliation under this
29 section, the applicant shall provide the information required by RCW
30 29A.08.210.

31 (3) The driver licensing agent shall record that the applicant has
32 requested to register to vote or (~~(transfer a))~~ change voter
33 (~~(registration))~~ address, or party affiliation.

34 **Sec. 115.** RCW 29A.08.350 and 2003 c 111 s 226 are each amended to
35 read as follows:

1 (1) The secretary of state shall provide for the voter registration
2 forms submitted under RCW 29A.08.340 to be collected from each driver's
3 licensing facility within five days of their completion.

4 (2) The department of licensing shall produce and transmit to the
5 secretary of state a machine-readable file containing the following
6 information from the records of each individual who requested a voter
7 registration or transfer at a driver's license facility during each
8 period for which forms are transmitted under subsection (1) of this
9 section: The name, address, date of birth, gender, and driver's
10 license number of the applicant, the (~~driver's license number~~)
11 applicant's party affiliation, if any, the date on which the
12 application for voter registration or transfer was submitted, and the
13 location of the office at which the application was submitted.

14 (3) The voter registration forms from the driver's licensing
15 facilities must be forwarded to the county in which the applicant has
16 registered to vote no later than ten days after the date on which the
17 forms were to be collected.

18 (4) For a voter registration application where the address for
19 voting purposes is different from the address in the machine-readable
20 file received from the department of licensing, the secretary of state
21 shall amend the record of that application in the machine-readable file
22 to reflect the county in which the applicant has registered to vote.

23 (5) The secretary of state shall sort the records in the machine-
24 readable file according to the county in which the applicant registered
25 to vote and produce a file of voter registration transactions for each
26 county. The records of each county may be transmitted on or through
27 whatever medium the county auditor determines will best facilitate the
28 incorporation of these records into the existing voter registration
29 files of that county.

30 (6) The secretary of state shall produce a list of voter
31 registration transactions for each county and transmit a copy of this
32 list to that county with each file of voter registration transactions
33 no later than ten days after the date on which that information was to
34 be transmitted under subsection (1) of this section.

35 (7) If a registrant has indicated on the voter registration
36 application form that he or she is registered to vote in another county
37 in Washington but has also provided an address within the auditor's
38 county that is for voter registration purposes, the auditor shall send,

1 on behalf of the registrant, a registration cancellation notice to the
2 auditor of that other county and the auditor receiving the notice shall
3 cancel the registrant's voter registration in that other county. If
4 the registrant has indicated on the form that he or she is registered
5 to vote within the county but has provided a new address within the
6 county that is for voter registration purposes, the auditor shall
7 transfer the voter's registration.

8 **Sec. 116.** RCW 29A.08.360 and 2003 c 111 s 227 are each amended to
9 read as follows:

10 (1) The department of licensing shall provide information on all
11 persons changing their address on change of address forms submitted to
12 the department unless the voter has indicated that the address change
13 is not for voting purposes. This information will be transmitted to
14 the secretary of state each week in a machine-readable file containing
15 the following information on persons changing their address: The name,
16 address, date of birth, gender, and driver's license number of the
17 applicant, the applicant's (~~driver's license number~~) party
18 affiliation, if any, the applicant's former address, the county code
19 for the applicant's former address, and the date that the request for
20 address change was received.

21 (2) The secretary of state shall forward this information to the
22 appropriate county each week. When the information indicates that the
23 voter has moved within the county, the county auditor shall use the
24 change of address information to transfer the voter's registration and
25 send the voter an acknowledgement notice of the transfer. If the
26 information indicates that the new address is outside the voter's
27 original county, the county auditor shall send the voter a registration
28 by mail form at the voter's new address and advise the voter of the
29 need to reregister in the new county. The auditor shall then place the
30 voter on inactive status.

31 **Sec. 117.** RCW 29A.08.410 and 2003 c 111 s 228 are each amended to
32 read as follows:

33 (~~To maintain a valid voter registration,~~) A registered voter who
34 changes his or her party affiliation, or residence from one address to
35 another within the same county, shall transfer his or her registration
36 (~~to the new address~~) information in one of the following ways: (1)

1 Sending to the county auditor a signed request stating the voter's
2 present and previous party affiliation or registration address (~~and~~
3 ~~the address from which the voter was last registered~~), as applicable;
4 (2) appearing in person before the auditor and signing such a request;
5 or (3) transferring the registration information in the manner provided
6 by RCW 29A.08.430(~~;~~ ~~or~~ (4) ~~telephoning the county auditor to transfer~~
7 ~~the registration. The telephone call transferring a registration by~~
8 ~~telephone must be received by the auditor before the precinct~~
9 ~~registration files are closed to new registrations for the next primary~~
10 ~~or special or general election in which the voter participates~~). A
11 change in the voter's party affiliation made less than thirty days
12 prior to a primary election is not effective until the day after the
13 primary election.

14 **Sec. 118.** RCW 29A.08.430 and 2003 c 111 s 230 are each amended to
15 read as follows:

16 (1) A person who is registered to vote in this state may transfer
17 his or her voter registration information on the day of a special,
18 primary, or general election (~~or primary~~) under the following
19 procedures:

20 (a) The voter may complete, at the polling place, a registration
21 transfer form designed by the secretary of state and supplied by the
22 county auditor; or

23 (b) The voter may write in his or her new residential address in
24 the precinct list of registered voters.

25 The county auditor shall determine which of these two procedures
26 are to be used in the county or may determine that both procedures are
27 to be available to voters for use in the county.

28 (2) A voter who transfers his or her registration in the manner
29 authorized by this section shall vote in the precinct in which he or
30 she was previously registered.

31 (3) The auditor shall, within ninety days, mail to each voter who
32 has transferred a registration under this section a notice of his or
33 her current precinct and polling place.

34 (4) A change in the voter's party affiliation made less than thirty
35 days prior to a primary election is not effective until the day after
36 the primary election.

1 **Sec. 119.** RCW 29A.08.645 and 2003 c 111 s 244 are each amended to
2 read as follows:

3 The secretary of state shall create a standard electronic file
4 format (state transfer form) to be used for the transfer of voter
5 registration information between county auditors and the office of the
6 secretary of state. The format must be prescribed by rule and contain
7 at least the following information: Voter name, address, date of
8 birth, party affiliation, if any, date of registration, mailing
9 address, legislative and congressional district, and digitized
10 signature image. Each county shall program its voter registration
11 system to convert this data from the county's storage format into the
12 state transfer format.

13 **Sec. 120.** RCW 29A.08.710 and 2003 c 111 s 246 are each amended to
14 read as follows:

15 (1) The county auditor shall have custody of the voter registration
16 records for each county. The original voter registration form must be
17 filed without regard to precinct and is considered confidential and
18 unavailable for public inspection and copying. An automated file of
19 all registered voters must be maintained pursuant to RCW 29A.08.125.
20 An auditor may maintain the automated file in lieu of filing or
21 maintaining the original voter registration forms if the automated file
22 includes all of the information from the original voter registration
23 forms including, but not limited to, a retrievable facsimile of each
24 voter's signature.

25 (2) The following information contained in voter registration
26 records or files regarding a voter or a group of voters is available
27 for public inspection and copying: The voter's name, gender, voting
28 record, party affiliation, if any, date of registration, and
29 registration number. The address and political jurisdiction of a
30 registered voter are available for public inspection and copying except
31 as provided by chapter 40.24 RCW. No other information from voter
32 registration records or files is available for public inspection or
33 copying, including an unaffiliated voter's choice of ballot under RCW
34 29A.44.230.

35 **Sec. 121.** RCW 29A.12.100 and 2003 c 111 s 310 are each amended to
36 read as follows:

1 The secretary of state shall not approve a vote tallying system
2 unless it:

3 (1) Correctly counts votes on ballots on which the proper number of
4 votes have been marked for any office or issue;

5 (2) Ignores votes marked for any office or issue where more than
6 the allowable number of votes have been marked, but correctly counts
7 the properly voted portions of the ballot;

8 (3) Accumulates a count of the specific number of ballots tallied
9 for each precinct, total votes by candidate for each office, and total
10 votes for and against each issue of the ballot in that precinct;

11 (4) (~~Accommodates rotation of candidates' names on the ballot~~
12 ~~under RCW 29A.36.140;~~

13 ~~(5))~~ Produces precinct and cumulative totals in printed form; and

14 ~~((6))~~ (5) Except for functions or capabilities unique to this
15 state, has been tested, certified, and used in at least one other state
16 or election jurisdiction.

17 **Sec. 122.** RCW 29A.20.020 and 2003 c 111 s 502 are each amended to
18 read as follows:

19 (1) A person filing a declaration of candidacy for an office shall,
20 at the time of filing, be a registered voter and possess the
21 qualifications specified by law for persons who may be elected to the
22 office.

23 (2) Excluding the office of precinct committee officer or a
24 temporary elected position such as a charter review board member or
25 freeholder, no person may file for more than one office. This
26 subsection does not apply to the office of a member of the United
27 States congress.

28 (3) The name of a candidate for an office shall not appear on a
29 ballot for that office unless, except as provided in RCW 3.46.067 and
30 3.50.057, the candidate is, at the time the candidate's declaration of
31 candidacy is filed, properly registered to vote in the geographic area
32 represented by the office, and, if seeking a partisan office, the
33 candidate is qualified to run as a candidate of the party indicated or
34 as an independent. For the purposes of this section, each geographic
35 area in which registered voters may cast ballots for an office is
36 represented by that office. If a person elected to an office must be
37 nominated from a district or similar division of the geographic area

1 represented by the office, the name of a candidate for the office shall
2 not appear on a primary ballot for that office unless the candidate is,
3 at the time the candidate's declaration of candidacy is filed, properly
4 registered to vote in that district or division. The officer with whom
5 declarations of candidacy must be filed under this title shall review
6 each such declaration filed regarding compliance with this subsection.
7 This subsection does not apply to the office of a member of the United
8 States Congress.

9 (4) (~~This section does not apply to the office of a member of the~~
10 ~~United States Congress~~) For a primary conducted in 2004, if a person
11 filing a declaration of candidacy for a partisan office designates on
12 his or her declaration an affiliation with a major political party, he
13 or she must, at the time of filing, be a registered party member of
14 that major political party. Beginning January 1, 2005, if a person
15 filing a declaration of candidacy for a partisan office designates on
16 his or her declaration an affiliation with a major political party, he
17 or she must, at the time of filing: (a) Be a registered party member
18 of that major political party; and (b)(i) be qualified to run as a
19 candidate of that party according to the party's rules in effect on the
20 fifth day of March preceding the filing; (ii) submit a petition
21 substantially in the form required by RCW 29A.24.100(3) to the filing
22 officer containing the signatures of registered party members of at
23 least five percent of the registered party members of that party
24 residing within the jurisdiction of the office sought as of the March
25 1st preceding the filing; or (iii) meet any party rules in effect on
26 March 5th preceding the primary regarding the number of signatures
27 required for ballot eligibility, provided that such rules may not
28 exceed the five percent requirement of (b)(ii) of this subsection and
29 the signatures shall be submitted substantially in the form required by
30 RCW 29A.24.100(3). The candidate may gather petition signatures at any
31 time after the first day of February preceding the primary, and may
32 provide documentation and assistance to qualified electors desiring to
33 register to vote, affiliate with a political party, or change party
34 affiliation.

35 (5) If a person filing a declaration of candidacy for a partisan
36 office designates on his or her declaration an affiliation with a minor
37 political party or indicates that he or she is an independent

1 candidate, he or she may not, at the time of filing, be a registered
2 party member of any major political party.

3 (6) Within thirty days after the effective date of this section,
4 each major political party shall file with the secretary of state a
5 copy of its rules governing the eligibility of persons to seek election
6 to public office using the party's name. The secretary of state shall
7 place the text of the rules on its web site. A copy of any party's
8 rules shall be publicly available upon request. If a major political
9 party changes its rules governing the eligibility of persons to seek
10 the nomination of the party to public office, the amended rules must be
11 filed with the secretary of state and take effect no later than March
12 1st for purposes of any partisan primary conducted that year.

13 **Sec. 123.** RCW 29A.20.120 and 2003 c 111 s 506 are each amended to
14 read as follows:

15 (1) Any nomination of a candidate for partisan public office by
16 ~~((other than a major political party))~~ a party not participating in the
17 primary may be made only: (a) In ~~((a))~~ conventions held not earlier
18 than the last Saturday in ~~((June))~~ February and not later than the
19 first Saturday in July or during any of the seven days immediately
20 preceding the first day for filing declarations of candidacy as fixed
21 in accordance with RCW 29A.28.040; (b) as provided by RCW 29A.60.020;
22 or (c) as otherwise provided in this section. Candidates of a party
23 not participating in the primary and independent candidates may appear
24 only on the general election ballot.

25 (2) Nominations of candidates for president and vice president of
26 the United States other than by a major political party may be made
27 either at a convention conducted under subsection (1) of this section,
28 or at a similar convention taking place not earlier than the first
29 Sunday in July and not later than seventy days before the general
30 election. Conventions held during this time period may not nominate
31 candidates for any public office other than president and vice
32 president of the United States, except as provided in subsection (3) of
33 this section.

34 (3) If a special filing period for a partisan office is opened
35 under RCW 29A.24.210, candidates of ~~((minor political))~~ parties not
36 participating in the primary that year and independent candidates may
37 file for office during that special filing period. The names of those

1 candidates may not appear on the ballot unless they are nominated by
2 convention held no later than five days after the close of the special
3 filing period and a certificate of nomination is filed with the filing
4 officer no later than three days after the convention. The
5 requirements of RCW 29A.20.130 do not apply to such a convention. (~~If~~
6 ~~primary ballots or a voters' pamphlet are ordered to be printed before~~
7 ~~the deadline for submitting the certificate of nomination and the~~
8 ~~certificate has not been filed, then the candidate's name will be~~
9 ~~included but may not appear on the general election ballot unless the~~
10 ~~certificate is timely filed and the candidate otherwise qualifies to~~
11 ~~appear on that ballot.~~)

12 (4) A (~~minor political~~) party not participating in the primary
13 may hold more than one convention but in no case shall any such party
14 nominate more than one candidate for any one partisan public office or
15 position. (~~For the purpose of nominating candidates for the offices~~
16 ~~of president and vice president, United States senator, or a statewide~~
17 ~~office, minor party or~~) A candidate of a party not participating in
18 the primary or an independent candidate holding multiple conventions
19 may add together the number of signatures of different individuals from
20 each convention obtained in support of the candidate or candidates in
21 order to obtain the number required by RCW 29A.20.140. (~~For all other~~
22 ~~offices for which nominations are made, signatures of the requisite~~
23 ~~number of registered voters must be obtained at a single convention.~~)

24 **Sec. 124.** RCW 29A.20.140 and 2003 c 111 s 508 are each amended to
25 read as follows:

26 (1) To be valid, a convention must be attended by at least
27 (~~twenty-five~~) one hundred registered voters, not including registered
28 party members of a party participating in the primary. A candidate of
29 a party not participating in the primary or an independent candidate
30 holding multiple conventions may add together the number of different
31 individuals attending different conventions in order to obtain the
32 required number of registered voters.

33 (2) In order to nominate candidates for the offices of president
34 and vice president of the United States, United States senator, or any
35 statewide office, a nominating convention shall obtain and submit to
36 the filing officer the signatures of at least (~~two hundred~~) one
37 thousand registered voters of the state of Washington, not including

1 the signatures of registered party members of a party participating in
2 the primary. A candidate of a party not participating in the primary
3 or an independent candidate holding multiple conventions may add
4 together the number of signatures of different individuals from
5 different conventions in order to obtain the required number of
6 required signatures. In order to nominate candidates for any other
7 office, a nominating convention shall obtain and submit to the filing
8 officer the signatures of (~~twenty-five~~) one hundred persons who are
9 registered to vote in the jurisdiction of the office for which the
10 nominations are made, none of whom may be registered party members of
11 a major political party.

12 (3) A person signing a nominating petition for a candidate of a
13 party not participating in the primary shall be limited to voting a
14 nonpartisan ballot at the subsequent primary election and may not vote
15 a party ballot.

16 **Sec. 125.** RCW 29A.20.150 and 2003 c 111 s 509 are each amended to
17 read as follows:

18 A nominating petition submitted under this chapter shall clearly
19 identify the name of the (~~minor~~) party not participating in the
20 primary or independent candidate convention as it appears on the
21 certificate of nomination as required by RCW 29A.20.160(3). The
22 petition shall (~~also~~) contain a statement that the person signing the
23 petition is a registered voter of the state of Washington and that the
24 person signing the petition will not be eligible to vote a party ballot
25 at the subsequent primary election. The petition shall also have a
26 space for the voter to sign his or her name and to print his or her
27 name and address. No person may sign more than one nominating petition
28 under this chapter for an office for (~~a primary or~~) an election.

29 **Sec. 126.** RCW 29A.20.160 and 2003 c 111 s 510 are each amended to
30 read as follows:

31 A certificate evidencing nominations made at a convention or
32 conventions must:

- 33 (1) Be in writing;
- 34 (2) Contain the name of each person nominated, his or her
35 residence, a statement that he or she is not a registered party member
36 of a party participating in the primary, and the office for which he or

1 she is named, and if the nomination is for the offices of president and
2 vice president of the United States, a sworn statement from both
3 nominees giving their consent to the nomination;

4 (3) Identify the (~~minor political~~) party not participating in the
5 primary or the independent candidate on whose behalf the convention was
6 held;

7 (4) Be verified by the oath of the presiding officer and secretary;

8 (5) Be accompanied by a nominating petition or petitions bearing
9 the signatures and addresses of registered voters equal in number to
10 that required by RCW 29A.20.140;

11 (6) Contain proof of publication of the notice of calling the
12 convention; and

13 (7) Be submitted to the appropriate filing officer not later than
14 one week following the adjournment of the convention at which the
15 nominations were made. If the nominations are made only for offices
16 whose jurisdiction is entirely within one county, the certificate and
17 nominating petitions must be filed with the county auditor. If a
18 (~~minor party~~) convention of a party not participating in the primary
19 or independent candidate convention nominates any candidates for
20 offices whose jurisdiction encompasses more than one county, all
21 nominating petitions and the convention certificates must be filed with
22 the secretary of state.

23 **Sec. 127.** RCW 29A.20.170 and 2003 c 111 s 511 are each amended to
24 read as follows:

25 (1) For a general election or qualifying primary, if two or more
26 valid certificates of nomination are filed purporting to nominate
27 different candidates for the same position using the same party name or
28 confusingly similar party names, or if a valid certificate is filed
29 using the same party name as a party participating in the primary or a
30 name confusingly similar to the name of a party participating in the
31 primary, the filing officer must give effect to (~~both~~) all
32 certificates. If conflicting claims to the party name are not resolved
33 either by mutual agreement or by a judicial determination of the right
34 to the name, the candidates must be treated as independent candidates.
35 Disputes over the right to the name must not be permitted to delay the
36 printing of either ballots or a voters' pamphlet. Other candidates

1 nominated by the same conventions may continue to use the partisan
2 affiliation unless a court of competent jurisdiction directs otherwise.

3 (2) A person or party participating in the primary affected may
4 petition the superior court of the county in which the filing officer
5 is located for a judicial determination of the right to the name of a
6 minor political party, either before or after documents are filed with
7 the filing officer. The court shall resolve the conflict between
8 competing claims to the use of the same or similar party name according
9 to the following principles: (a) The prior established public use of
10 the name during previous elections by a party composed of or led by the
11 same individuals or individuals in documented succession; (b) prior
12 established public use of the name earlier in the same election cycle;
13 (c) the nomination of a more complete slate of candidates for a number
14 of offices or in a number of different regions of the state; (d)
15 documented affiliation with a national or statewide party organization
16 with an established use of the name; (e) the first date of filing of a
17 certificate of nomination; ~~((and))~~ (f) if the issue is whether the
18 names are confusingly similar, the likelihood of confusion on the part
19 of a reasonable voter; and (g) such other indicia of an established
20 right to use of the name as the court may deem relevant. If more than
21 one filing officer is involved, and one of them is the secretary of
22 state, the petition must be filed in the superior court for Thurston
23 county. Upon resolving the conflict between competing claims, the
24 court may also address any ballot designation for the candidate who
25 does not prevail. An action brought under this section has priority
26 over other docket items and shall be heard within seven days of filing
27 and the completion of service.

28 (3) This section also applies to candidates of a major political
29 party if the primary is being held under section 302 or 303 of this
30 act.

31 **Sec. 128.** RCW 29A.20.190 and 2003 c 111 s 513 are each amended to
32 read as follows:

33 Upon the receipt of the certificate of nomination, the officer with
34 whom it is filed shall check the certificate and canvass the signatures
35 on the accompanying nominating petitions to determine if the
36 requirements of RCW 29A.20.140 have been met. Once the determination
37 has been made, the filing officer shall notify the presiding officer of

1 the convention and any other persons requesting the notification, of
2 his or her decision regarding the sufficiency of the certificate or the
3 nominating petitions, and forward to the secretary of state the name
4 and address of all registered voters who have signed the nominating
5 petition. Any appeal regarding the filing officer's determination must
6 be filed with the superior court of the county in which the certificate
7 or petitions were filed not later than five days from the date the
8 determination is made, and shall be heard and finally disposed of by
9 the court within five days of the filing. Nominating petitions shall
10 not be available for public inspection or copying.

11 **Sec. 129.** RCW 29A.20.200 and 2003 c 111 s 514 are each amended to
12 read as follows:

13 Not later than the Friday immediately preceding the first day for
14 candidates to file, the secretary of state shall notify the county
15 auditors of the names and designations of all minor party and
16 independent candidates who have filed valid convention certificates and
17 nominating petitions with that office. The secretary of state shall
18 also forward to the appropriate county auditors the names and addresses
19 of all voters on the nominating petitions residing in that county.
20 Except for the offices of president and vice president, persons
21 nominated under this chapter shall file declarations of candidacy as
22 provided by RCW 29A.24.030 and 29A.24.070. The name of a candidate
23 nominated at a convention shall not be printed upon the ((primary))
24 general election ballot unless he or she pays the fee required by law
25 to be paid by candidates for the same office to be nominated at a
26 primary.

27 **Sec. 130.** RCW 29A.24.030 and 2003 c 111 s 603 are each amended to
28 read as follows:

29 A candidate who desires to have his or her name printed on the
30 ballot for election to an office other than president of the United
31 States, vice president of the United States, or an office for which
32 ownership of property is a prerequisite to voting shall complete and
33 file a declaration of candidacy. The secretary of state shall adopt,
34 by rule, a declaration of candidacy form for the office of precinct
35 committee officer and a separate standard form for candidates for all

1 other offices filing under this chapter. Included on the standard form
2 shall be:

3 (1) A place for the candidate to declare that he or she is a
4 registered voter within the jurisdiction of the office for which he or
5 she is filing, and the address at which he or she is registered;

6 (2) A place for the candidate to indicate the position for which he
7 or she is filing;

8 (3) A place for the candidate to indicate a party designation, if
9 applicable, and declare that he or she meets the requirements of RCW
10 29A.20.020 if the designation is a major political party;

11 (4) A place for the candidate to indicate the amount of the filing
12 fee accompanying the declaration of candidacy or for the candidate to
13 indicate that he or she is filing a nominating petition in lieu of the
14 filing fee under RCW 29A.24.090; and

15 (5) A place for the candidate to sign the declaration of candidacy,
16 stating that the information provided on the form is true and swearing
17 or affirming that he or she will support the Constitution and laws of
18 the United States and the Constitution and laws of the state of
19 Washington.

20 In the case of a declaration of candidacy filed electronically,
21 submission of the form constitutes agreement that the information
22 provided with the filing is true, that he or she will support the
23 Constitutions and laws of the United States and the state of
24 Washington, and that he or she agrees to electronic payment of the
25 filing fee established in RCW 29A.24.090.

26 The secretary of state may require any other information on the
27 form he or she deems appropriate to facilitate the filing process.

28 **Sec. 131.** RCW 29A.24.100 and 2003 c 111 s 610 are each amended to
29 read as follows:

30 (1) The nominating petition authorized by RCW 29A.24.090 (~~shall~~)
31 must be printed on sheets of uniform color and size, (~~shall~~) include
32 a place for each individual to sign and print his or her name and the
33 address, city, and county at which he or she is registered to vote, and
34 contain no more than twenty numbered lines(~~, and~~).

35 (2) For candidates for nonpartisan office, the nominating petition
36 must be in substantially the following form:

37 The warning prescribed by RCW 29A.72.140; followed by:

1 We, the undersigned registered voters of (the state of
2 Washington or the political subdivision for which the nomination is
3 made), hereby petition that the name of (candidate's name) be
4 printed on the official primary ballot for the office of (insert
5 name of office).

6 ~~((The petition must include a place for each individual to sign and~~
7 ~~print his or her name, and the address, city, and county at which he or~~
8 ~~she is registered to vote.))~~

9 (3) For candidates of a major political party for partisan office,
10 the nominating petition must be in substantially the following form:

11 The warning prescribed by RCW 29A.72.140; followed by:

12 We, the undersigned registered voters of (the state of
13 Washington or the political subdivision for which the nomination is
14 made) , and registered party members of the (major political
15 party), hereby petition that the name of (candidate's name) be
16 printed on the official primary ballot for the office of (insert
17 name of office) as a candidate of the (major political party).

18 (4) For independent candidates and candidates of a minor political
19 party for partisan office, the nominating petition must be in
20 substantially the following form:

21 The warning prescribed by RCW 29A.72.140; followed by:

22 We, the undersigned registered voters of . . . (the state of
23 Washington or the political subdivision for which the nomination is
24 made) . . . , hereby petition that the name of . . . (candidate's name)
25 . . . be printed on the official general election ballot for the office
26 of . . . (insert name of office)

27 **Sec. 132.** RCW 29A.24.130 and 2003 c 111 s 613 are each amended to
28 read as follows:

29 A candidate may withdraw his or her declaration of candidacy at any
30 time before the close of business on the Thursday following the last
31 day for candidates to file under RCW 29A.24.050 by filing, with the
32 officer with whom the declaration of candidacy was filed, a signed
33 request that his or her name not be printed on the ballot. There shall
34 be no withdrawal period for declarations of candidacy filed during
35 special filing periods held under this title. The filing officer may

1 permit the withdrawal of a filing for the office of precinct committee
2 officer at the request of the candidate at any time if no absentee
3 ballots have been issued for that office and the ((general election))
4 party ballots for that precinct have not been printed. The filing
5 officer may permit the withdrawal of a filing for any elected office of
6 a city, town, or special district at the request of the candidate at
7 any time before a primary if the primary ballots for that city, town,
8 or special district have not been ordered. No filing fee may be
9 refunded to any candidate who withdraws under this section. Notice of
10 the deadline for withdrawal of candidacy and that the filing fee is not
11 refundable shall be given to each candidate at the time he or she
12 files.

13 **Sec. 133.** RCW 29A.24.210 and 2003 c 111 s 621 are each amended to
14 read as follows:

15 Filings for a partisan elective office shall be opened for a period
16 of three normal business days whenever, on or after the first day of
17 the regular filing period and before the sixth Tuesday prior to a
18 primary, a vacancy occurs in that office, leaving an unexpired term to
19 be filled by an election for which filings have not been held.

20 Any such special three-day filing period shall be fixed by the
21 election officer with whom declarations of candidacy for that office
22 are filed. The election officer shall give notice of the special
23 three-day filing period by notifying the press, radio, and television
24 in the county or counties involved, and by such other means as may be
25 required by law.

26 Candidacies validly filed within the special three-day filing
27 period shall appear on the ((primary)) ballot as if filed during the
28 regular filing period.

29 **Sec. 134.** RCW 29A.24.310 and 2003 c 111 s 622 are each amended to
30 read as follows:

31 Any person who desires to be a write-in candidate and have such
32 votes counted at a primary or election may file a declaration of
33 candidacy with the officer designated in RCW 29A.24.070 not later than
34 the day before the primary or election. Declarations of candidacy for
35 write-in candidates must be accompanied by a filing fee in the same

1 manner as required of other candidates filing for the office as
2 provided in RCW 29A.24.090.

3 Votes cast for write-in candidates who have filed such declarations
4 of candidacy and write-in votes for persons appointed by major
5 political parties pursuant to RCW 29A.28.020 need only specify the name
6 of the candidate in the appropriate location on the ballot in order to
7 be counted. Write-in votes cast for any other candidate, in order to
8 be counted, must designate the office sought and position number or
9 political party, if the manner in which the write-in is done does not
10 make the office or position clear. In order for write-in votes to be
11 valid in jurisdictions employing optical-scan mark sense ballot systems
12 the voter must complete the proper mark next to the write-in line for
13 that office.

14 No person may file as a write-in candidate (~~(where)~~):

15 (1) Where at a general election, the person attempting to file
16 either filed as a write-in candidate for the same office at the
17 preceding primary or the person's name appeared on the ballot for the
18 same office at the preceding primary;

19 (2) Where the person attempting to file as a write-in candidate has
20 already filed a valid write-in declaration for that primary or
21 election, unless one or the other of the two filings is for the office
22 of precinct (~~(committeeperson)~~) committee officer;

23 (3) Where the name of the person attempting to file already appears
24 on the ballot as a candidate for another office, unless one of the two
25 offices for which he or she is a candidate is precinct
26 (~~(committeeperson)~~) committee officer;

27 (4) At a party primary election unless the person meets the
28 requirements of RCW 29A.20.020.

29 The declaration of candidacy shall be similar to that required by
30 RCW 29A.24.030. No write-in candidate filing under this section may be
31 included in any voter's pamphlet produced under chapter 29A.32 RCW
32 unless that candidate qualifies to have his or her name printed on the
33 general election ballot. The legislative authority of any jurisdiction
34 producing a local voter's pamphlet under chapter 29A.32 RCW may
35 provide, by ordinance, for the inclusion of write-in candidates in such
36 pamphlets.

1 **Sec. 135.** RCW 29A.28.040 and 2003 c 111 s 704 are each amended to
2 read as follows:

3 (1) Whenever a vacancy occurs in the United States house of
4 representatives or the United States senate from this state, the
5 governor shall order a special election to fill the vacancy.
6 Candidates of a party not participating in a primary that year and
7 independent candidates may be nominated through the convention
8 procedures provided in RCW 29A.20.110 through 29A.20.200.

9 (2) Within ten days of such vacancy occurring, he or she shall
10 issue a writ of election fixing a date for the special vacancy election
11 not less than ninety days after the issuance of the writ, fixing a date
12 for the primary for nominating major political party candidates for the
13 special vacancy election not less than thirty days before the day fixed
14 for holding the special vacancy election, fixing the dates for the
15 special filing period, and designating the term or part of the term for
16 which the vacancy exists. If the vacancy is in the office of United
17 States representative, the writ of election shall specify the
18 congressional district that is vacant.

19 (3) If the vacancy occurs less than six months before a state
20 general election and before the second Friday following the close of
21 the filing period for that general election, the special primary and
22 special vacancy elections shall be held in concert with the state
23 primary and state general election in that year.

24 (4) If the vacancy occurs on or after the first day for filing
25 under RCW 29A.24.050 and on or before the second Friday following the
26 close of the filing period, a special filing period of three normal
27 business days shall be fixed by the governor and notice thereof given
28 to all media, including press, radio, and television within the area in
29 which the vacancy election is to be held, to the end that, insofar as
30 possible, all interested persons will be aware of such filing period.
31 The last day of the filing period shall not be later than the third
32 Tuesday before the primary at which major political party candidates
33 are to be nominated. The names of major political party candidates who
34 have filed valid declarations of candidacy during this three-day period
35 shall appear on the approaching primary ballot. The requirements of
36 RCW 29A.20.130 do not apply to the convention of parties not
37 participating in the primary or an independent candidate convention
38 held under this subsection.

1 (5) If the vacancy occurs later than the second Friday following
2 the close of the filing period, a special primary ~~((and))~~, special
3 vacancy election, and the conventions of parties not participating in
4 the primary and independent candidates to fill the position shall be
5 held after the next state general election but, in any event, no later
6 than the ninetieth day following the November election.

7 **Sec. 136.** RCW 29A.28.060 and 2003 c 111 s 706 are each amended to
8 read as follows:

9 The general election laws and laws relating to partisan primaries
10 shall apply to the special primaries and vacancy elections provided for
11 in RCW 29A.28.040 through 29A.28.050 to the extent that they are not
12 inconsistent with the provisions of these sections. Candidates of a
13 party not participating in a primary and independent candidates may
14 appear only on the general election ballot. Statutory time deadlines
15 relating to availability of absentee ballots, certification,
16 canvassing, and related procedures that cannot be met in a timely
17 fashion may be modified for the purposes of a specific primary or
18 vacancy election under this chapter by the secretary of state through
19 emergency rules adopted under RCW 29A.04.610.

20 **Sec. 137.** RCW 29A.28.070 and 2003 c 111 s 707 are each amended to
21 read as follows:

22 If a vacancy occurs in the office of precinct committee officer by
23 reason of death, resignation, or disqualification of the incumbent, or
24 because of failure to elect, the respective county chair of the county
25 central committee shall fill the vacancy by appointment. ~~((However, in~~
26 ~~a legislative district having a majority of its precincts in a county~~
27 ~~with a population of one million or more, the appointment may be made~~
28 ~~only upon the recommendation of the legislative district chair.))~~ The
29 person so appointed must have the same qualifications as candidates
30 when filing for election to the office for that precinct. When a
31 vacancy in the office of precinct committee officer exists because of
32 failure to elect at a ~~((state general))~~ primary election, the vacancy
33 may not be filled until after the organization meeting of the county
34 central committee and the new county chair has been selected as
35 provided by RCW 29A.80.030.

1 **Sec. 138.** RCW 29A.32.030 and 2003 c 111 s 803 are each amended to
2 read as follows:

3 The voters' pamphlet must contain:

4 (1) Information about each ballot measure initiated by or referred
5 to the voters for their approval or rejection as required by RCW
6 29A.32.070;

7 (2) In even-numbered years, statements, if submitted, advocating
8 the candidacies of nominees for the office of president and vice
9 president of the United States, United States senator, United States
10 representative, governor, lieutenant governor, secretary of state,
11 state treasurer, state auditor, attorney general, commissioner of
12 public lands, superintendent of public instruction, insurance
13 commissioner, state senator, state representative, justice of the
14 supreme court, judge of the court of appeals, or judge of the superior
15 court. The voters' pamphlet must not contain any statement of
16 affiliation with any major political party unless the candidate is the
17 nominee of that party. Candidates may also submit a campaign mailing
18 address and telephone number and a photograph not more than five years
19 old and of a size and quality that the secretary of state determines to
20 be suitable for reproduction in the voters' pamphlet;

21 (3) In odd-numbered years, if any office voted upon statewide
22 appears on the ballot due to a vacancy, then statements and photographs
23 for candidates for any vacant office listed in subsection (2) of this
24 section must appear;

25 (4) In even-numbered years, a section explaining how voters may
26 participate in the election campaign process; the address and telephone
27 number of the public disclosure commission established under RCW
28 42.17.350; and a summary of the disclosure requirements that apply when
29 contributions are made to candidates and political committees;

30 (5) In even-numbered years the name, address, and telephone number
31 of each political party with nominees listed in the pamphlet, if filed
32 with the secretary of state by the state committee of a major political
33 party or the presiding officer of the convention of a minor political
34 party;

35 (6) In each odd-numbered year immediately before a year in which a
36 president of the United States is to be nominated and elected,
37 information explaining the precinct caucus and convention process used
38 by each major political party to elect delegates to its national

1 presidential candidate nominating convention. The pamphlet must also
2 provide a description of the statutory procedures by which minor
3 political parties are formed and the statutory methods used by the
4 parties to nominate candidates for president;

5 (7) (~~In even-numbered years, a description of the office of~~
6 ~~precinct committee officer and its duties~~) A section explaining how to
7 register to vote, how to affiliate with a major or minor political
8 party, and the fact that party affiliation is not required in order to
9 register to vote;

10 (8) An application form for an absentee ballot;

11 (9) A brief statement explaining the deletion and addition of
12 language for proposed measures under RCW 29A.32.080;

13 (10) Any additional information pertaining to elections as may be
14 required by law or in the judgment of the secretary of state is deemed
15 informative to the voters.

16 NEW SECTION. Sec. 139. A new section is added to chapter 29A.32
17 RCW to read as follows:

18 If the secretary of state prints and distributes a voters' pamphlet
19 for a primary in an even-numbered year, it must not contain any
20 statement of affiliation of a candidate with any major political party
21 unless that candidate is qualified under RCW 29A.20.020(4) to run as a
22 candidate of that party.

23 If the secretary of state prints and distributes a voters' pamphlet
24 for a primary in an even-numbered year, it must contain:

25 (1) A description of the office of precinct committee officer and
26 its duties;

27 (2) An explanation of whether each major political party is
28 allowing unaffiliated voters to participate in that party's partisan
29 primary;

30 (3) An explanation that minor political party candidates and
31 independent candidates will appear only on the general election ballot;
32 and

33 (4) For 2004 only, an explanation that the party primary will be
34 conducted as a statewide vote-by-mail primary.

35 Sec. 140. RCW 29A.32.240 and 2003 c 111 s 816 are each amended to
36 read as follows:

1 The local voters' pamphlet must not contain any statement of
2 affiliation of a candidate with any major political party unless that
3 candidate is qualified under RCW 29A.20.020(4) to run as a candidate of
4 that party, and shall include but not be limited to the following:

5 (1) Appearing on the cover, the words "official local voters'
6 pamphlet," the name of the jurisdiction producing the pamphlet, and the
7 date of the election or primary;

8 (2) A list of jurisdictions that have measures or candidates in the
9 pamphlet;

10 (3) Information on how a person may register to vote, how to
11 affiliate with a major or minor political party, the fact that party
12 affiliation is not required in order to register to vote, and how to
13 obtain an absentee ballot;

14 (4) The text of each measure accompanied by an explanatory
15 statement prepared by the prosecuting attorney for any county measure
16 or by the attorney for the jurisdiction submitting the measure if other
17 than a county measure. All explanatory statements for city, town, or
18 district measures not approved by the attorney for the jurisdiction
19 submitting the measure shall be reviewed and approved by the county
20 prosecuting attorney or city attorney, when applicable, before
21 inclusion in the pamphlet;

22 (5) The arguments for and against each measure submitted by
23 committees selected pursuant to RCW 29A.32.280;

24 (6) For partisan primary elections, an explanation of whether each
25 major political party is allowing unaffiliated voters to participate in
26 that party's partisan primary, and an explanation that minor political
27 party candidates and independent candidates will appear only on the
28 general election ballot;

29 (7) For the 2004 primary, an explanation that the party primary
30 will be conducted as a statewide vote-by-mail primary.

31 **Sec. 141.** RCW 29A.36.010 and 2003 c 111 s 901 are each amended to
32 read as follows:

33 On or before the day following the last day for political parties
34 to fill vacancies in the ticket as provided by RCW 29A.28.010, the
35 secretary of state shall certify to each county auditor a list of the
36 candidates who have filed declarations of candidacy in his or her
37 office for the primary. For each office, the certificate shall include

1 the name of each candidate, his or her address, and his or her party
2 designation, if any. Candidates of parties not participating in the
3 primary and independent candidates may appear only on the general
4 election ballot.

5 **Sec. 142.** RCW 29A.36.100 and 2003 c 111 s 910 are each amended to
6 read as follows:

7 Except for the candidates for the positions of president and vice
8 president (~~(or)~~), for a partisan or nonpartisan office for which no
9 primary is required, or for independent candidates or candidates of
10 parties not participating in the primary, the names of all candidates
11 who, under this title, filed a declaration of candidacy(~~(or)~~) or were
12 certified as a candidate to fill a vacancy on a major party ticket(~~(or~~
13 ~~or were nominated as an independent or minor party candidate)~~) will
14 appear on the appropriate ballot at the primary throughout the
15 jurisdiction in which they are to be nominated.

16 NEW SECTION. **Sec. 143.** A new section is added to chapter 29A.36
17 RCW to read as follows:

18 (1) At all partisan primaries, the county auditor must prepare a
19 nonpartisan ballot, if nonpartisan races or ballot measures are to be
20 voted on at the primary, and party ballots for each major political
21 party. Partisan primaries must be conducted using party ballots when
22 applicable.

23 (2) In order to appear on a party ballot, a candidate must be a
24 registered party member, have designated that same major political
25 party in his or her declaration of candidacy for partisan office, and
26 meet the requirements of RCW 29A.20.020(4).

27 (3) Every eligible registered voter, regardless of party
28 affiliation, may vote in a partisan primary as follows:

29 (a) A voter who is a registered party member of a major political
30 party may vote the party ballot for that same political party, and may
31 not vote the party ballot for any other political party.

32 (b) An unaffiliated voter may vote the party ballot for any
33 particular political party unless, by March 1st of that year, the state
34 chair of that political party has provided to the secretary of state a
35 signed statement refusing to consent to the participation of
36 unaffiliated voters in that party's partisan primary. If a state chair

1 does not provide such a statement, the party is deemed to have
2 consented to the participation of unaffiliated voters in that party's
3 partisan primary.

4 (c) An unaffiliated voter who has signed a minor party or
5 independent candidate nominating petition may vote only the nonpartisan
6 ballot and may not vote a party ballot.

7 **Sec. 144.** RCW 29A.36.110 and 2003 c 111 s 911 are each amended to
8 read as follows:

9 Every ballot for a single combination of issues (~~(and)~~), offices
10 (~~(shall)~~), and candidates must be uniform within a precinct and
11 (~~(shall)~~) identify the type of primary or election, the county, and the
12 date of the primary or election(~~(, and)~~). The ballot or voting device
13 shall contain instructions on the proper method of recording a vote,
14 including write-in votes. Each position, together with the names of
15 the candidates for that office, shall be clearly separated from other
16 offices or positions in the same jurisdiction. The offices in each
17 jurisdiction shall be clearly separated from each other. No paper
18 ballot or ballot card may be marked in any way that would permit the
19 identification of the person who voted that ballot.

20 **Sec. 145.** RCW 29A.36.120 and 2003 c 111 s 912 are each amended to
21 read as follows:

22 (1) The positions or offices on a primary ballot shall be arranged
23 in substantially the following order: United States senator; United
24 States representative; governor; lieutenant governor; secretary of
25 state; state treasurer; state auditor; attorney general; commissioner
26 of public lands; superintendent of public instruction; insurance
27 commissioner; state senator; state representative; county officers;
28 justices of the supreme court; judges of the court of appeals; judges
29 of the superior court; and judges of the district court. For all other
30 jurisdictions on the primary ballot, the offices in each jurisdiction
31 shall be grouped together and be in the order of the position numbers
32 assigned to those offices, if any.

33 (2) The order of the positions or offices on (~~(an)~~) a general
34 election ballot shall be substantially the same as on a primary ballot
35 except that the offices of president and vice president of the United
36 States shall precede all other offices on a presidential election

1 ballot. (~~State ballot issues shall be placed before all offices on an~~
2 ~~election ballot.~~) The positions on a ballot to be assigned to ballot
3 measures regarding local units of government shall be established by
4 the secretary of state by rule.

5 (3) The political party or independent candidacy of each candidate
6 for partisan office shall be indicated next to the name of the
7 candidate on (~~the~~) party primary and general election ballots. A
8 candidate shall file a written notice with the filing officer within
9 three business days after the close of the filing period designating
10 the political party to be indicated next to the candidate's name on the
11 ballot if either: (a) The candidate has been nominated by two or more
12 minor political parties or independent conventions; or (b) the
13 candidate has both filed a declaration of candidacy declaring an
14 affiliation with a major political party and been nominated by a minor
15 political party or independent convention. If no written notice is
16 filed the filing officer shall give effect to the party designation
17 shown upon the first valid document filed. A candidate may be deemed
18 nominated by a (~~minor party~~) convention of a party not participating
19 in the primary or independent convention only if all documentation
20 required by chapter 29A.20 RCW has been timely filed.

21 **Sec. 146.** RCW 29A.36.130 and 2003 c 111 s 913 are each amended to
22 read as follows:

23 After the close of business on the last day for candidates to file
24 for office, the filing officer shall, from among those filings made in
25 person and by mail, determine by lot the order in which the names of
26 those candidates will appear on (~~all sample and absentee~~) the
27 applicable ballots. (~~In the case of candidates for city, town, and~~
28 ~~district office, this procedure shall also determine the order for~~
29 ~~candidate names on the official primary ballot used at the polling~~
30 ~~place.~~) The determination shall be done publicly and may be witnessed
31 by the media and by any candidate. If no primary is required for any
32 nonpartisan office under RCW 29A.52.010 or 29A.52.220, or if any
33 independent or minor party candidate files a declaration of candidacy,
34 the names shall appear on the general election ballot in the order
35 determined by lot.

1 **Sec. 147.** RCW 29A.36.150 and 2003 c 111 s 915 are each amended to
2 read as follows:

3 Except in each county with a population of one million or more, on
4 or before the fifteenth day before a primary or election, the county
5 auditor shall prepare a sample ballot which shall be made readily
6 available to members of the public. For a partisan primary, the county
7 auditor shall prepare a sample nonpartisan ballot and sample party
8 ballots. The secretary of state shall adopt rules governing the
9 preparation of sample ballots in counties with a population of one
10 million or more. The rules shall permit, among other alternatives, the
11 preparation of more than one sample ballot by a county with a
12 population of one million or more for a primary or election, each of
13 which lists a portion of the offices and issues to be voted on in that
14 county. The position of precinct committee officer shall be shown on
15 the sample party ballot for the (~~general election~~) primary, but the
16 names of candidates for the individual positions need not be shown.

17 **Sec. 148.** RCW 29A.36.160 and 2003 c 111 s 916 are each amended to
18 read as follows:

19 (1) On the top of each ballot (~~there will~~) must be printed clear
20 and concise instructions directing the voter(~~s~~) how to mark the
21 ballot, including write-in votes. (~~After the instructions and before~~
22 ~~the offices,~~)

23 (2) The questions of adopting constitutional amendments or any
24 other state measure authorized by law to be submitted to the voters at
25 that election (~~will be placed~~) must appear after the instructions and
26 before any offices.

27 (3) In a year that president and vice president appear on the
28 general election ballot, the names of the candidates for president and
29 vice president for each political party must be grouped together with
30 a single response position for a voter to indicate his or her choice.

31 (~~+2~~) (4) On a general election ballot, the candidate or
32 candidates of the major political party that received the highest
33 number of votes from the electors of this state for the office of
34 president of the United States at the last presidential election
35 (~~will~~) must appear first following the appropriate office
36 heading(~~r~~). The candidate or candidates of the other major political
37 parties will follow according to the votes cast for their nominees for

1 president at the last presidential election, and independent candidates
2 and the candidate or candidates of all other parties will follow in the
3 order of their qualification with the secretary of state.

4 ~~((3) The names of candidates for president and vice president for
5 each political party must be grouped together with a single response
6 position for a voter to indicate his or her choice.~~

7 ~~(4))~~ (5) All paper ballots and ballot cards used at a polling
8 place must be sequentially numbered in such a way to permit removal of
9 such numbers without leaving any identifying marks on the ballot.

10 **Sec. 149.** RCW 29A.36.190 and 2003 c 111 s 919 are each amended to
11 read as follows:

12 The name of a candidate for a partisan office for which a primary
13 was conducted shall not be printed on the ballot for that office at the
14 subsequent general election unless the candidate receives ~~((a number of
15 votes equal to at least one percent of the total number cast for all
16 candidates for that position sought and))~~ a plurality of the votes cast
17 for the candidates of his or her party for that office at the preceding
18 primary.

19 **Sec. 150.** RCW 29A.40.060 and 2003 c 111 s 1006 are each amended to
20 read as follows:

21 (1) The county auditor shall issue an absentee ballot for the
22 primary or election for which it was requested, or for the next
23 occurring primary or election when ongoing absentee status has been
24 requested if the information contained in a request for an absentee
25 ballot or ongoing absentee status received by the county auditor is
26 complete and correct and the applicant is qualified to vote under
27 federal or state law. Otherwise, the county auditor shall notify the
28 applicant of the reason or reasons why the request cannot be accepted.
29 Whenever two or more candidates have filed for the position of precinct
30 committee officer for the same party in the same precinct ~~((at a
31 general election held in an even numbered year))~~, the contest for that
32 position must be presented to absentee voters from that precinct by
33 either including the contest on the regular absentee ballot or a
34 separate absentee ballot. The ballot must provide space designated for
35 writing in the name of additional candidates.

1 (2) A registered voter may obtain a replacement ballot if the
2 ballot is destroyed, spoiled, lost, or not received by the voter. The
3 voter may obtain the ballot by telephone request, by mail,
4 electronically, or in person. The county auditor shall keep a record
5 of each replacement ballot provided under this subsection.

6 (3) A copy of the state voters' pamphlet must be sent to registered
7 voters temporarily outside the state, out-of-state voters, overseas
8 voters, and service voters along with the absentee ballot if such a
9 pamphlet has been prepared for the primary or election and is available
10 to the county auditor at the time of mailing. The county auditor shall
11 mail all absentee ballots and related material to voters outside the
12 territorial limits of the United States and the District of Columbia
13 under 39 U.S.C. 3406.

14 NEW SECTION. **Sec. 151.** A new section is added to chapter 29A.40
15 RCW to read as follows:

16 (1) For the 2004 primary, all registered voters shall be considered
17 to be absentee voters. Each county auditor shall issue ballots to all
18 registered voters in accordance with RCW 29A.40.090.

19 (2) This section expires January 1, 2005.

20 **Sec. 152.** RCW 29A.40.090 and 2003 c 111 s 1009 are each amended to
21 read as follows:

22 (1) For a primary election with at least one partisan race, the
23 county auditor shall:

24 (a) Send each absentee unaffiliated voter a party ballot for each
25 major political party, one security envelope in which to seal the voted
26 party ballot, a larger envelope in which to return the security
27 envelope, instructions on how to mark and return one ballot to the
28 county auditor, and instructions to destroy unused party ballots. The
29 instructions that accompany absentee party ballots to an unaffiliated
30 voter must include an explanation that only one party ballot may be
31 voted and returned, and that if more than one party ballot is voted and
32 returned in the security envelope, none of the party ballots will be
33 counted;

34 (b) Send each absentee unaffiliated voter who has signed a
35 nominating petition for a candidate of a party not participating in the
36 primary or an independent candidate nominating petition a nonpartisan

1 ballot, a security envelope in which to seal the nonpartisan ballot
2 after voting, a larger envelope in which to return the security
3 envelope, and instructions on how to mark the ballot and how to return
4 it to the county auditor;

5 (c) Send each absentee voter who is a registered party member of a
6 major political party the party ballot of the major political party
7 with which the voter is affiliated, a security envelope in which to
8 seal the party ballot after voting, a larger envelope in which to
9 return the security envelope, and instructions on how to mark the
10 ballot and how to return it to the county auditor; and

11 (d) Instruct the voter to destroy and discard all unvoted party
12 ballots.

13 (2) For a general election, the county auditor shall send each
14 absentee voter a ballot, a security envelope in which to seal the
15 ballot after voting, a larger envelope in which to return the security
16 envelope, and instructions on how to mark the ballot and how to return
17 it to the county auditor.

18 (3) For primary and general elections, the larger return envelope
19 must contain a declaration by the absentee voter reciting his or her
20 qualifications and stating that he or she has not voted in any other
21 jurisdiction at this election and, if for a primary election, that he
22 or she has destroyed any unused primary ballots, together with a
23 summary of the penalties for any violation of any of the provisions of
24 this chapter. The return envelope must provide space for the voter to
25 indicate the date on which the ballot was voted and for the voter to
26 sign the oath. A summary of the applicable penalty provisions of this
27 chapter must be printed on the return envelope immediately adjacent to
28 the space for the voter's signature. The signature of the voter on the
29 return envelope must affirm and attest to the statements regarding the
30 qualifications of that voter and to the validity of the ballot. For
31 out-of-state voters, overseas voters, and service voters, the signed
32 declaration on the return envelope constitutes the equivalent of a
33 voter registration for the election or primary for which the ballot has
34 been issued. The voter must be instructed to either return the ballot
35 to the county auditor by whom it was issued or attach sufficient first
36 class postage, if applicable, and mail the ballot to the appropriate
37 county auditor no later than the day of the election or primary for
38 which the ballot was issued.

1 If the county auditor chooses to forward absentee ballots, he or
2 she must include with the ballot a clear explanation of the
3 qualifications necessary to vote in that election and must also advise
4 a voter with questions about his or her eligibility to contact the
5 county auditor. This explanation may be provided on the ballot
6 envelope, on an enclosed insert, or printed directly on the ballot
7 itself. If the information is not included, the envelope must clearly
8 indicate that the ballot is not to be forwarded and that return postage
9 is guaranteed.

10 **Sec. 153.** RCW 29A.44.020 and 2003 c 111 s 1102 are each amended to
11 read as follows:

12 (1) At any election, general or special, or at any primary, any
13 political party or committee may designate a person other than a
14 precinct election officer, for each polling place to check a list of
15 registered voters of the precinct to determine who has and who has not
16 voted.

17 (2) The precinct committee officer or his or her designee or
18 designees must not seek to obtain or keep a record of the party ballot
19 voted by an unaffiliated voter voting in any election.

20 (3) The lists must be furnished by the party or committee
21 concerned.

22 (4) Every person who violates subsection (2) of this section is
23 guilty of a class C felony, punishable under RCW 9A.20.021.

24 **Sec. 154.** RCW 29A.44.200 and 2003 c 111 s 1119 are each amended to
25 read as follows:

26 A voter desiring to vote shall give his or her name to the precinct
27 election officer who has the precinct list of registered voters. This
28 officer shall announce the name to the precinct election officer who
29 has the copy of the inspector's poll book for that precinct. If the
30 right of this voter to participate in the primary or election is not
31 challenged, the voter must be issued a ballot or permitted to enter a
32 voting booth or to operate a voting device. At a partisan primary,
33 every voter who is a registered party member of a major political party
34 must be issued the party ballot specific to his or her political party;
35 every unaffiliated voter must be issued a party ballot for each major
36 political party that has consented to the participation of unaffiliated

1 voters in its partisan primary under section 143 of this act; and every
2 unaffiliated voter who has signed a nominating petition for a candidate
3 of a party not participating in the primary or independent candidate
4 nominating petition must be issued only the nonpartisan ballot. The
5 number of the ballot or the voter must be recorded by the precinct
6 election officers. If the right of the voter to participate is
7 challenged, RCW 29A.08.810 and 29A.08.820 apply to that voter.

8 **Sec. 155.** RCW 29A.44.230 and 2003 c 111 s 1122 are each amended to
9 read as follows:

10 As each voter casts his or her vote, the precinct election officers
11 shall insert in the poll books or precinct list of registered voters
12 opposite that voter's name, a notation to credit the voter with having
13 participated in that primary or election. In a partisan primary, no
14 record may be made of which party ballot an unaffiliated voter voted,
15 except as necessary for conducting the provisions of chapter 29A.60,
16 29A.64, or 29A.68 RCW. Any record made under this section shall be
17 subject to the provisions of RCW 29A.08.710 and section 167 of this
18 act. The precinct election officers shall record the voter's name so
19 that a separate record is kept.

20 NEW SECTION. **Sec. 156.** A new section is added to chapter 29A.52
21 RCW to read as follows:

22 Major political party candidates for all partisan elected offices,
23 except for president, vice president, precinct committee officer, and
24 offices exempted from the primary under RCW 29A.52.010, must be
25 nominated at primaries held under sections 157 through 160 of this act,
26 or, if applicable, chapter 29A.-- RCW (sections 201 through 255 of this
27 act).

28 NEW SECTION. **Sec. 157.** A new section is added to chapter 29A.52
29 RCW to read as follows:

30 (1) After June 15, 2004, a major political party may choose, by
31 rule, to allow unaffiliated voters to participate in its primary. The
32 rule may be applied only on a statewide basis and with respect to all
33 votes cast by unaffiliated voters, rather than with respect to votes
34 cast in specific districts or races or for specific candidates. If a
35 major political party allows unaffiliated voters to participate in its

1 primary, no distinction may be made by the party or by a county
2 canvassing board between votes cast by registered party members and
3 votes cast by unaffiliated voters.

4 (2) A major political party shall be deemed to have chosen to allow
5 unaffiliated voters to participate in its primary unless by March 1st
6 of the year of the primary, the state chair of the major political
7 party has provided to the secretary of state a signed statement
8 refusing to consent to the participation of unaffiliated voters in that
9 party's primary. Any such refusal to consent shall only be effective
10 for any partisan primary conducted between September 1st of the same
11 year and August 30th of the following year.

12 (3) In any year after 2004 in which the chair of a major political
13 party provides the secretary of state a signed statement by March 1st,
14 under subsection (2) of this section, that only registered party
15 members may vote the party ballot specific to that political party,
16 sections 302 and 303 of this act apply.

17 NEW SECTION. **Sec. 158.** A new section is added to chapter 29A.52
18 RCW to read as follows:

19 In a partisan primary:

20 (1) Every eligible voter, regardless of party affiliation, may vote
21 a party ballot if at least one major political party has consented to
22 allowing unaffiliated voters to participate in its primary.

23 (2) A voter who is a registered party member of a major political
24 party may vote the party ballot for his or her political party, and may
25 not vote the party ballot for any other political party.

26 (3) An unaffiliated voter may vote the party ballot for any
27 particular political party unless, by March 1st of that year, the state
28 chair of that political party has provided to the secretary of state a
29 signed statement refusing to consent to the participation of
30 unaffiliated voters in that party's partisan primary. Only one party
31 ballot may be voted.

32 (4) An unaffiliated voter who has signed a nominating petition for
33 a candidate of a party not participating in the primary or an
34 independent candidate nominating petition may vote only the nonpartisan
35 ballot, and may not vote a party ballot.

1 that primary, whether each major political party is allowing
2 unaffiliated voters to participate in its primary, an explanation that
3 candidates of political parties not participating in the primaries and
4 independent candidates will appear only in the general election, the
5 hours during which the polls will be open, and the polling places for
6 each precinct, giving the address of each polling place. The names of
7 all candidates for nonpartisan offices must be published separately
8 with designation of the offices for which they are candidates but
9 without party designation. This is the only notice required for the
10 holding of any primary.

11 NEW SECTION. Sec. 163. A new section is added to chapter 29A.52
12 RCW to read as follows:

13 (1) The notice required by RCW 29A.52.310 shall prominently include
14 an explanation that the 2004 primary will be conducted exclusively by
15 mail.

16 (2) This section expires January 1, 2005.

17 **Sec. 164.** RCW 29A.52.320 and 2003 c 111 s 1310 are each amended to
18 read as follows:

19 No later than the day following the certification of the returns of
20 any primary, the secretary of state shall certify to the appropriate
21 county auditors(~~(7)~~) the names of all persons nominated for offices(~~(7~~
22 ~~the returns of which have been canvassed by the secretary of state)) at~~
23 a primary, or at an independent candidate convention or a convention of
24 a party not participating in the primary.

25 NEW SECTION. Sec. 165. A new section is added to chapter 29A.60
26 RCW to read as follows:

27 (1) No record of the party ballot voted by an unaffiliated voter
28 voting in a primary or election may be created or maintained by any
29 public agency, organization, or person except for the purposes of
30 conducting the provisions of this chapter and chapters 29A.64 and
31 29A.68 RCW. Any such record created for the purpose defined in this
32 chapter is not a public record and is not available for public
33 inspection or copying.

34 (2) No record of the party ballot voted by an unaffiliated voter

1 voting in a primary shall be recorded or sought by individuals
2 conducting activities authorized under RCW 29A.44.020.

3 (3) Nothing in this section shall be construed so as to prohibit a
4 political organization from conducting voter identification and party
5 building activities that occur outside the polling place or at any time
6 other than on the day of the primary or election.

7 (4) Every person who violates this section is guilty of a class C
8 felony, punishable under RCW 9A.20.021.

9 **Sec. 166.** RCW 29A.60.020 and 2003 c 111 s 1502 are each amended to
10 read as follows:

11 (1) For any office at any election or primary, any voter may write
12 in on the ballot the name of any person for an office who has filed as
13 a write-in candidate for the office in the manner provided by RCW
14 29A.24.310 and such vote shall be counted the same as if the name had
15 been printed on the ballot and marked by the voter. In a partisan
16 primary, a voter may write in only the name of a write-in candidate
17 affiliated with the same major political party as designated on the
18 party ballot and eligible for nomination as a candidate of that party.

19 No write-in vote made for any person who has not filed a declaration of
20 candidacy pursuant to RCW 29A.24.310 is valid if that person filed for
21 the same office, either as a regular candidate or a write-in candidate,
22 at the preceding primary. Any abbreviation used to designate office,
23 position, or political party shall be accepted if the canvassing board
24 can determine, to their satisfaction, the voter's intent.

25 (2) The number of write-in votes cast for each office must be
26 recorded and reported with the canvass for the election.

27 (3) Write-in votes cast for an individual candidate for an office
28 need not be tallied if the total number of write-in votes cast for the
29 office is not greater than the number of votes cast for the candidate
30 apparently nominated or elected, and the write-in votes could not have
31 altered the outcome of the primary or election. In the case of write-
32 in votes for statewide office or for any office whose jurisdiction
33 encompasses more than one county, write-in votes for an individual
34 candidate must be tallied whenever the county auditor is notified by
35 either the office of the secretary of state or another auditor in a
36 multicounty jurisdiction that it appears that the write-in votes could
37 alter the outcome of the primary or election.

1 (4) In the case of statewide offices or jurisdictions that
2 encompass more than one county, if the total number of write-in votes
3 cast for an office within a county is greater than the number of votes
4 cast for a candidate apparently nominated or elected in a primary or
5 election, the auditor shall tally all write-in votes for individual
6 candidates for that office and notify the office of the secretary of
7 state and the auditors of the other counties within the jurisdiction,
8 that the write-in votes for individual candidates should be tallied.

9 NEW SECTION. **Sec. 167.** A new section is added to chapter 29A.64
10 RCW to read as follows:

11 (1) No record of the party ballot voted by an unaffiliated voter
12 voting in a primary or election may be created or maintained by any
13 public agency, organization, or person except for the purposes of
14 conducting the provisions of this chapter and chapters 29A.60 and
15 29A.68 RCW. Any such record created for the purpose defined in this
16 chapter is not a public record and therefore is not available for
17 public inspection or copying.

18 (2) No record of the party ballot voted by an unaffiliated voter
19 voting in a primary shall be recorded or sought by individuals
20 conducting activities authorized under RCW 29A.44.020.

21 (3) Nothing in this section shall be construed so as to prohibit a
22 political organization from conducting voter identification and party
23 building activities that occur outside the polling place or at any time
24 other than on the day of the primary or election.

25 (4) Every person who violates this section is guilty of a class C
26 felony, punishable under RCW 9A.20.021.

27 NEW SECTION. **Sec. 168.** A new section is added to chapter 29A.68
28 RCW to read as follows:

29 (1) No record of the party ballot voted by an unaffiliated voter
30 voting in a primary or election may be created or maintained by any
31 public agency, organization, or person except for the purposes of
32 conducting the provisions of this chapter and chapters 29A.60 and
33 29A.64 RCW. Any such record created for the purpose defined in this
34 chapter is not a public record and therefore is not available for
35 public inspection or copying.

1 (2) No record of the party ballot voted by an unaffiliated voter
2 voting in a primary shall be recorded or sought by individuals
3 conducting activities authorized under RCW 29A.44.020.

4 (3) Nothing in this section shall be construed so as to prohibit a
5 political organization from conducting voter identification and party
6 building activities that occur outside the polling place or at any time
7 other than on the day of the primary or election.

8 (4) Every person who violates this section is guilty of a class C
9 felony, punishable under RCW 9A.20.021.

10 **Sec. 169.** RCW 29A.80.040 and 2003 c 111 s 2004 are each amended to
11 read as follows:

12 Any registered party member of a major political party who is a
13 registered voter in the precinct may upon payment of a fee of one
14 dollar file his or her declaration of candidacy as prescribed under RCW
15 29A.24.030 with the county auditor for the office of precinct committee
16 officer of his or her party in that precinct. When elected at the
17 primary, the precinct committee officer shall serve so long as the
18 committee officer remains an eligible voter in that precinct and until
19 a successor has been elected at the next ensuing state (~~general~~)
20 primary election in the even-numbered year.

21 **Sec. 170.** RCW 29A.80.050 and 2003 c 111 s 2005 are each amended to
22 read as follows:

23 The statutory requirements for filing as a candidate at the
24 primaries apply to candidates for precinct committee officer, except
25 that the filing period for this office alone is extended to and
26 includes the Friday immediately following the last day for political
27 parties to fill vacancies in the ticket as provided by RCW 29A.28.010.
28 The office (~~shall not~~) must be voted upon at the primaries in even-
29 numbered years, (~~but~~) and the names of all candidates must appear
30 under the proper (~~party and~~) office designation(~~s~~) on the party
31 ballots (~~for the general election for each even-numbered year, and~~).
32 The one receiving the highest number of votes will be declared elected.
33 (~~However, to be declared elected, a candidate must receive at least~~
34 ~~ten percent of the number of votes cast for the candidate of the~~
35 ~~candidate's party receiving the greatest number of votes in the~~

1 ~~precinct.~~) The term of office of precinct committee officer is two
2 years, commencing upon completion of the official canvass of votes by
3 the county canvassing board of election returns.

4 **Sec. 171.** RCW 42.17.020 and 2002 c 75 s 1 are each amended to read
5 as follows:

6 (1) "Agency" includes all state agencies and all local agencies.
7 "State agency" includes every state office, department, division,
8 bureau, board, commission, or other state agency. "Local agency"
9 includes every county, city, town, municipal corporation, quasi-
10 municipal corporation, or special purpose district, or any office,
11 department, division, bureau, board, commission, or agency thereof, or
12 other local public agency.

13 (2) "Authorized committee" means the political committee authorized
14 by a candidate, or by the public official against whom recall charges
15 have been filed, to accept contributions or make expenditures on behalf
16 of the candidate or public official.

17 (3) "Ballot proposition" means any "measure" as defined by RCW
18 ((~~29.01.110~~)) 29A.04.091, or any initiative, recall, or referendum
19 proposition proposed to be submitted to the voters of the state or any
20 municipal corporation, political subdivision, or other voting
21 constituency from and after the time when the proposition has been
22 initially filed with the appropriate election officer of that
23 constituency prior to its circulation for signatures.

24 (4) "Benefit" means a commercial, proprietary, financial, economic,
25 or monetary advantage, or the avoidance of a commercial, proprietary,
26 financial, economic, or monetary disadvantage.

27 (5) "Bona fide political party" means:

28 (a) An organization that has filed a valid certificate of
29 nomination with the secretary of state under chapter ((~~29.24~~)) 29A.20
30 RCW;

31 (b) The governing body of the state organization of a major
32 political party, as defined in RCW ((~~29.01.090~~)) 29A.04.085, that is
33 the body authorized by the charter or bylaws of the party to exercise
34 authority on behalf of the state party; or

35 (c) The county central committee or legislative district committee
36 of a major political party. There may be only one legislative district
37 committee for each party in each legislative district.

1 (6) "Depository" means a bank designated by a candidate or
2 political committee pursuant to RCW 42.17.050.

3 (7) "Treasurer" and "deputy treasurer" mean the individuals
4 appointed by a candidate or political committee, pursuant to RCW
5 42.17.050, to perform the duties specified in that section.

6 (8) "Candidate" means any individual who seeks nomination for
7 election or election to public office. An individual seeks nomination
8 or election when he or she first:

9 (a) Receives contributions or makes expenditures or reserves space
10 or facilities with intent to promote his or her candidacy for office;

11 (b) Announces publicly or files for office;

12 (c) Purchases commercial advertising space or broadcast time to
13 promote his or her candidacy; or

14 (d) Gives his or her consent to another person to take on behalf of
15 the individual any of the actions in (a) or (c) of this subsection.

16 (9) "Caucus political committee" means a political committee
17 organized and maintained by the members of a major political party in
18 the state senate or state house of representatives.

19 (10) "Commercial advertiser" means any person who sells the service
20 of communicating messages or producing printed material for broadcast
21 or distribution to the general public or segments of the general public
22 whether through the use of newspapers, magazines, television and radio
23 stations, billboard companies, direct mail advertising companies,
24 printing companies, or otherwise.

25 (11) "Commission" means the agency established under RCW 42.17.350.

26 (12) "Compensation" unless the context requires a narrower meaning,
27 includes payment in any form for real or personal property or services
28 of any kind: PROVIDED, That for the purpose of compliance with RCW
29 42.17.241, the term "compensation" shall not include per diem
30 allowances or other payments made by a governmental entity to reimburse
31 a public official for expenses incurred while the official is engaged
32 in the official business of the governmental entity.

33 (13) "Continuing political committee" means a political committee
34 that is an organization of continuing existence not established in
35 anticipation of any particular election campaign.

36 (14)(a) "Contribution" includes:

37 (i) A loan, gift, deposit, subscription, forgiveness of

1 indebtedness, donation, advance, pledge, payment, transfer of funds
2 between political committees, or anything of value, including personal
3 and professional services for less than full consideration;

4 (ii) An expenditure made by a person in cooperation, consultation,
5 or concert with, or at the request or suggestion of, a candidate, a
6 political committee, or their agents;

7 (iii) The financing by a person of the dissemination, distribution,
8 or republication, in whole or in part, of broadcast, written, graphic,
9 or other form of political advertising prepared by a candidate, a
10 political committee, or its authorized agent;

11 (iv) Sums paid for tickets to fund-raising events such as dinners
12 and parties, except for the actual cost of the consumables furnished at
13 the event.

14 (b) "Contribution" does not include:

15 (i) Standard interest on money deposited in a political committee's
16 account;

17 (ii) Ordinary home hospitality;

18 (iii) A contribution received by a candidate or political committee
19 that is returned to the contributor within five business days of the
20 date on which it is received by the candidate or political committee;

21 (iv) A news item, feature, commentary, or editorial in a regularly
22 scheduled news medium that is of primary interest to the general
23 public, that is in a news medium controlled by a person whose business
24 is that news medium, and that is not controlled by a candidate or a
25 political committee;

26 (v) An internal political communication primarily limited to the
27 members of or contributors to a political party organization or
28 political committee, or to the officers, management staff, or
29 stockholders of a corporation or similar enterprise, or to the members
30 of a labor organization or other membership organization;

31 (vi) The rendering of personal services of the sort commonly
32 performed by volunteer campaign workers, or incidental expenses
33 personally incurred by volunteer campaign workers not in excess of
34 fifty dollars personally paid for by the worker. "Volunteer services,"
35 for the purposes of this section, means services or labor for which the
36 individual is not compensated by any person;

37 (vii) Messages in the form of reader boards, banners, or yard or
38 window signs displayed on a person's own property or property occupied

1 by a person. However, a facility used for such political advertising
2 for which a rental charge is normally made must be reported as an in-
3 kind contribution and counts towards any applicable contribution limit
4 of the person providing the facility;

5 (viii) Legal or accounting services rendered to or on behalf of:

6 (A) A political party or caucus political committee if the person
7 paying for the services is the regular employer of the person rendering
8 such services; or

9 (B) A candidate or an authorized committee if the person paying for
10 the services is the regular employer of the individual rendering the
11 services and if the services are solely for the purpose of ensuring
12 compliance with state election or public disclosure laws.

13 (c) Contributions other than money or its equivalent are deemed to
14 have a monetary value equivalent to the fair market value of the
15 contribution. Services or property or rights furnished at less than
16 their fair market value for the purpose of assisting any candidate or
17 political committee are deemed a contribution. Such a contribution
18 must be reported as an in-kind contribution at its fair market value
19 and counts towards any applicable contribution limit of the provider.

20 (15) "Elected official" means any person elected at a general or
21 special election to any public office, and any person appointed to fill
22 a vacancy in any such office.

23 (16) "Election" includes any primary, general, or special election
24 for public office and any election in which a ballot proposition is
25 submitted to the voters: PROVIDED, That an election in which the
26 qualifications for voting include other than those requirements set
27 forth in Article VI, section 1 (Amendment 63) of the Constitution of
28 the state of Washington shall not be considered an election for
29 purposes of this chapter.

30 (17) "Election campaign" means any campaign in support of or in
31 opposition to a candidate for election to public office and any
32 campaign in support of, or in opposition to, a ballot proposition.

33 (18) "Election cycle" means the period beginning on the first day
34 of December after the date of the last previous general election for
35 the office that the candidate seeks and ending on November 30th after
36 the next election for the office. In the case of a special election to
37 fill a vacancy in an office, "election cycle" means the period

1 beginning on the day the vacancy occurs and ending on November 30th
2 after the special election.

3 (19) "Expenditure" includes a payment, contribution, subscription,
4 distribution, loan, advance, deposit, or gift of money or anything of
5 value, and includes a contract, promise, or agreement, whether or not
6 legally enforceable, to make an expenditure. The term "expenditure"
7 also includes a promise to pay, a payment, or a transfer of anything of
8 value in exchange for goods, services, property, facilities, or
9 anything of value for the purpose of assisting, benefiting, or honoring
10 any public official or candidate, or assisting in furthering or
11 opposing any election campaign. For the purposes of this chapter,
12 agreements to make expenditures, contracts, and promises to pay may be
13 reported as estimated obligations until actual payment is made. The
14 term "expenditure" shall not include the partial or complete repayment
15 by a candidate or political committee of the principal of a loan, the
16 receipt of which loan has been properly reported.

17 (20) "Final report" means the report described as a final report in
18 RCW 42.17.080(2).

19 (21) "General election" for the purposes of RCW 42.17.640 means the
20 election that results in the election of a person to a state office.
21 It does not include a primary.

22 (22) "Gift," is as defined in RCW 42.52.010.

23 (23) "Immediate family" includes the spouse, dependent children,
24 and other dependent relatives, if living in the household. For the
25 purposes of RCW 42.17.640 through 42.17.790, "immediate family" means
26 an individual's spouse, and child, stepchild, grandchild, parent,
27 stepparent, grandparent, brother, half brother, sister, or half sister
28 of the individual and the spouse of any such person and a child,
29 stepchild, grandchild, parent, stepparent, grandparent, brother, half
30 brother, sister, or half sister of the individual's spouse and the
31 spouse of any such person.

32 (24) "Independent expenditure" means an expenditure that has each
33 of the following elements:

34 (a) It is made in support of or in opposition to a candidate for
35 office by a person who is not (i) a candidate for that office, (ii) an
36 authorized committee of that candidate for that office, (iii) a person
37 who has received the candidate's encouragement or approval to make the
38 expenditure, if the expenditure pays in whole or in part for political

1 advertising supporting that candidate or promoting the defeat of any
2 other candidate or candidates for that office, or (iv) a person with
3 whom the candidate has collaborated for the purpose of making the
4 expenditure, if the expenditure pays in whole or in part for political
5 advertising supporting that candidate or promoting the defeat of any
6 other candidate or candidates for that office;

7 (b) The expenditure pays in whole or in part for political
8 advertising that either specifically names the candidate supported or
9 opposed, or clearly and beyond any doubt identifies the candidate
10 without using the candidate's name; and

11 (c) The expenditure, alone or in conjunction with another
12 expenditure or other expenditures of the same person in support of or
13 opposition to that candidate, has a value of five hundred dollars or
14 more. A series of expenditures, each of which is under five hundred
15 dollars, constitutes one independent expenditure if their cumulative
16 value is five hundred dollars or more.

17 (25)(a) "Intermediary" means an individual who transmits a
18 contribution to a candidate or committee from another person unless the
19 contribution is from the individual's employer, immediate family as
20 defined for purposes of RCW 42.17.640 through 42.17.790, or an
21 association to which the individual belongs.

22 (b) A treasurer or a candidate is not an intermediary for purposes
23 of the committee that the treasurer or candidate serves.

24 (c) A professional fund-raiser is not an intermediary if the fund-
25 raiser is compensated for fund-raising services at the usual and
26 customary rate.

27 (d) A volunteer hosting a fund-raising event at the individual's
28 home is not an intermediary for purposes of that event.

29 (26) "Legislation" means bills, resolutions, motions, amendments,
30 nominations, and other matters pending or proposed in either house of
31 the state legislature, and includes any other matter that may be the
32 subject of action by either house or any committee of the legislature
33 and all bills and resolutions that, having passed both houses, are
34 pending approval by the governor.

35 (27) "Lobby" and "lobbying" each mean attempting to influence the
36 passage or defeat of any legislation by the legislature of the state of
37 Washington, or the adoption or rejection of any rule, standard, rate,
38 or other legislative enactment of any state agency under the state

1 Administrative Procedure Act, chapter 34.05 RCW. Neither "lobby" nor
2 "lobbying" includes an association's or other organization's act of
3 communicating with the members of that association or organization.

4 (28) "Lobbyist" includes any person who lobbies either in his or
5 her own or another's behalf.

6 (29) "Lobbyist's employer" means the person or persons by whom a
7 lobbyist is employed and all persons by whom he or she is compensated
8 for acting as a lobbyist.

9 (30) "Person" includes an individual, partnership, joint venture,
10 public or private corporation, association, federal, state, or local
11 governmental entity or agency however constituted, candidate,
12 committee, political committee, political party, executive committee
13 thereof, or any other organization or group of persons, however
14 organized.

15 (31) "Person in interest" means the person who is the subject of a
16 record or any representative designated by that person, except that if
17 that person is under a legal disability, the term "person in interest"
18 means and includes the parent or duly appointed legal representative.

19 (32) "Political advertising" includes any advertising displays,
20 newspaper ads, billboards, signs, brochures, articles, tabloids,
21 flyers, letters, radio or television presentations, or other means of
22 mass communication, used for the purpose of appealing, directly or
23 indirectly, for votes or for financial or other support in any election
24 campaign.

25 (33) "Political committee" means any person (except a candidate or
26 an individual dealing with his or her own funds or property) having the
27 expectation of receiving contributions or making expenditures in
28 support of, or opposition to, any candidate or any ballot proposition.

29 (34) "Primary" for the purposes of RCW 42.17.640 means the
30 ~~((procedure for nominating))~~ election that nominates a candidate of a
31 major political party to state office ((under chapter 29.18 or 29.21
32 RCW or any other primary for an election that uses, in large measure,
33 the procedures established in chapter 29.18 or 29.21 RCW)). In the
34 event that all major parties adopt rules prohibiting the counting of
35 unaffiliated ballots at the primary election, primary means the
36 procedure for qualifying a candidate to state office under chapter
37 29A.-- RCW (sections 201 through 255 of this act).

1 (35) "Public office" means any federal, state, county, city, town,
2 school district, port district, special district, or other state
3 political subdivision elective office.

4 (36) "Public record" includes any writing containing information
5 relating to the conduct of government or the performance of any
6 governmental or proprietary function prepared, owned, used, or retained
7 by any state or local agency regardless of physical form or
8 characteristics. For the office of the secretary of the senate and the
9 office of the chief clerk of the house of representatives, public
10 records means legislative records as defined in RCW 40.14.100 and also
11 means the following: All budget and financial records; personnel
12 leave, travel, and payroll records; records of legislative sessions;
13 reports submitted to the legislature; and any other record designated
14 a public record by any official action of the senate or the house of
15 representatives.

16 (37) "Recall campaign" means the period of time beginning on the
17 date of the filing of recall charges under RCW ((~~29.82.015~~)) 29A.56.120
18 and ending thirty days after the recall election.

19 (38) "State legislative office" means the office of a member of the
20 state house of representatives or the office of a member of the state
21 senate.

22 (39) "State office" means state legislative office or the office of
23 governor, lieutenant governor, secretary of state, attorney general,
24 commissioner of public lands, insurance commissioner, superintendent of
25 public instruction, state auditor, or state treasurer.

26 (40) "State official" means a person who holds a state office.

27 (41) "Surplus funds" mean, in the case of a political committee or
28 candidate, the balance of contributions that remain in the possession
29 or control of that committee or candidate subsequent to the election
30 for which the contributions were received, and that are in excess of
31 the amount necessary to pay remaining debts incurred by the committee
32 or candidate prior to that election. In the case of a continuing
33 political committee, "surplus funds" mean those contributions remaining
34 in the possession or control of the committee that are in excess of the
35 amount necessary to pay all remaining debts when it makes its final
36 report under RCW 42.17.065.

37 (42) "Writing" means handwriting, typewriting, printing,
38 photostating, photographing, and every other means of recording any

1 form of communication or representation, including, but not limited to,
2 letters, words, pictures, sounds, or symbols, or combination thereof,
3 and all papers, maps, magnetic or paper tapes, photographic films and
4 prints, motion picture, film and video recordings, magnetic or punched
5 cards, discs, drums, diskettes, sound recordings, and other documents
6 including existing data compilations from which information may be
7 obtained or translated.

8 As used in this chapter, the singular shall take the plural and any
9 gender, the other, as the context requires.

10 **Sec. 172.** RCW 42.17.310 and 2003 1st sp.s. c 26 s 926, 2003 c 277
11 s 3, and 2003 c 124 s 1 are each reenacted and amended to read as
12 follows:

13 (1) The following are exempt from public inspection and copying:

14 (a) Personal information in any files maintained for students in
15 public schools, patients or clients of public institutions or public
16 health agencies, or welfare recipients.

17 (b) Personal information in files maintained for employees,
18 appointees, or elected officials of any public agency to the extent
19 that disclosure would violate their right to privacy.

20 (c) Information required of any taxpayer in connection with the
21 assessment or collection of any tax if the disclosure of the
22 information to other persons would (i) be prohibited to such persons by
23 RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the
24 taxpayer's right to privacy or result in unfair competitive
25 disadvantage to the taxpayer.

26 (d) Specific intelligence information and specific investigative
27 records compiled by investigative, law enforcement, and penology
28 agencies, and state agencies vested with the responsibility to
29 discipline members of any profession, the nondisclosure of which is
30 essential to effective law enforcement or for the protection of any
31 person's right to privacy.

32 (e) Information revealing the identity of persons who are witnesses
33 to or victims of crime or who file complaints with investigative, law
34 enforcement, or penology agencies, other than the public disclosure
35 commission, if disclosure would endanger any person's life, physical
36 safety, or property. If at the time a complaint is filed the
37 complainant, victim or witness indicates a desire for disclosure or

1 nondisclosure, such desire shall govern. However, all complaints filed
2 with the public disclosure commission about any elected official or
3 candidate for public office must be made in writing and signed by the
4 complainant under oath.

5 (f) Test questions, scoring keys, and other examination data used
6 to administer a license, employment, or academic examination.

7 (g) Except as provided by chapter 8.26 RCW, the contents of real
8 estate appraisals, made for or by any agency relative to the
9 acquisition or sale of property, until the project or prospective sale
10 is abandoned or until such time as all of the property has been
11 acquired or the property to which the sale appraisal relates is sold,
12 but in no event shall disclosure be denied for more than three years
13 after the appraisal.

14 (h) Valuable formulae, designs, drawings, computer source code or
15 object code, and research data obtained by any agency within five years
16 of the request for disclosure when disclosure would produce private
17 gain and public loss.

18 (i) Preliminary drafts, notes, recommendations, and intra-agency
19 memorandums in which opinions are expressed or policies formulated or
20 recommended except that a specific record shall not be exempt when
21 publicly cited by an agency in connection with any agency action.

22 (j) Records which are relevant to a controversy to which an agency
23 is a party but which records would not be available to another party
24 under the rules of pretrial discovery for causes pending in the
25 superior courts.

26 (k) Records, maps, or other information identifying the location of
27 archaeological sites in order to avoid the looting or depredation of
28 such sites.

29 (l) Any library record, the primary purpose of which is to maintain
30 control of library materials, or to gain access to information, which
31 discloses or could be used to disclose the identity of a library user.

32 (m) Financial information supplied by or on behalf of a person,
33 firm, or corporation for the purpose of qualifying to submit a bid or
34 proposal for (i) a ferry system construction or repair contract as
35 required by RCW 47.60.680 through 47.60.750 or (ii) highway
36 construction or improvement as required by RCW 47.28.070.

37 (n) Railroad company contracts filed prior to July 28, 1991, with

1 the utilities and transportation commission under RCW 81.34.070, except
2 that the summaries of the contracts are open to public inspection and
3 copying as otherwise provided by this chapter.

4 (o) Financial and commercial information and records supplied by
5 private persons pertaining to export services provided pursuant to
6 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
7 export projects pursuant to RCW 43.23.035.

8 (p) Financial disclosures filed by private vocational schools under
9 chapters 28B.85 and 28C.10 RCW.

10 (q) Records filed with the utilities and transportation commission
11 or attorney general under RCW 80.04.095 that a court has determined are
12 confidential under RCW 80.04.095.

13 (r) Financial and commercial information and records supplied by
14 businesses or individuals during application for loans or program
15 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
16 or during application for economic development loans or program
17 services provided by any local agency.

18 (s) Membership lists or lists of members or owners of interests of
19 units in timeshare projects, subdivisions, camping resorts,
20 condominiums, land developments, or common-interest communities
21 affiliated with such projects, regulated by the department of
22 licensing, in the files or possession of the department.

23 (t) All applications for public employment, including the names of
24 applicants, resumes, and other related materials submitted with respect
25 to an applicant.

26 (u) The residential addresses or residential telephone numbers of
27 employees or volunteers of a public agency which are held by any public
28 agency in personnel records, public employment related records, or
29 volunteer rosters, or are included in any mailing list of employees or
30 volunteers of any public agency.

31 (v) The residential addresses and residential telephone numbers of
32 the customers of a public utility contained in the records or lists
33 held by the public utility of which they are customers, except that
34 this information may be released to the division of child support or
35 the agency or firm providing child support enforcement for another
36 state under Title IV-D of the federal social security act, for the
37 establishment, enforcement, or modification of a support order.

1 (w)(i) The federal social security number of individuals governed
2 under chapter 18.130 RCW maintained in the files of the department of
3 health, except this exemption does not apply to requests made directly
4 to the department from federal, state, and local agencies of
5 government, and national and state licensing, credentialing,
6 investigatory, disciplinary, and examination organizations; (ii) the
7 current residential address and current residential telephone number of
8 a health care provider governed under chapter 18.130 RCW maintained in
9 the files of the department, if the provider requests that this
10 information be withheld from public inspection and copying, and
11 provides to the department an accurate alternate or business address
12 and business telephone number. On or after January 1, 1995, the
13 current residential address and residential telephone number of a
14 health care provider governed under RCW 18.130.040 maintained in the
15 files of the department shall automatically be withheld from public
16 inspection and copying unless the provider specifically requests the
17 information be released, and except as provided for under RCW
18 42.17.260(9).

19 (x) Information obtained by the board of pharmacy as provided in
20 RCW 69.45.090.

21 (y) Information obtained by the board of pharmacy or the department
22 of health and its representatives as provided in RCW 69.41.044,
23 69.41.280, and 18.64.420.

24 (z) Financial information, business plans, examination reports, and
25 any information produced or obtained in evaluating or examining a
26 business and industrial development corporation organized or seeking
27 certification under chapter 31.24 RCW.

28 (aa) Financial and commercial information supplied to the state
29 investment board by any person when the information relates to the
30 investment of public trust or retirement funds and when disclosure
31 would result in loss to such funds or in private loss to the providers
32 of this information.

33 (bb) Financial and valuable trade information under RCW 51.36.120.

34 (cc) Client records maintained by an agency that is a domestic
35 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape
36 crisis center as defined in RCW 70.125.030.

37 (dd) Information that identifies a person who, while an agency
38 employee: (i) Seeks advice, under an informal process established by

1 the employing agency, in order to ascertain his or her rights in
2 connection with a possible unfair practice under chapter 49.60 RCW
3 against the person; and (ii) requests his or her identity or any
4 identifying information not be disclosed.

5 (ee) Investigative records compiled by an employing agency
6 conducting a current investigation of a possible unfair practice under
7 chapter 49.60 RCW or of a possible violation of other federal, state,
8 or local laws prohibiting discrimination in employment.

9 (ff) Business related information protected from public inspection
10 and copying under RCW 15.86.110.

11 (gg) Financial, commercial, operations, and technical and research
12 information and data submitted to or obtained by the clean Washington
13 center in applications for, or delivery of, program services under
14 chapter 70.95H RCW.

15 (hh) Information and documents created specifically for, and
16 collected and maintained by a quality improvement committee pursuant to
17 RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW
18 4.24.250, regardless of which agency is in possession of the
19 information and documents.

20 (ii) Personal information in files maintained in a data base
21 created under RCW 43.07.360.

22 (jj) Financial and commercial information requested by the public
23 stadium authority from any person or organization that leases or uses
24 the stadium and exhibition center as defined in RCW 36.102.010.

25 (kk) Names of individuals residing in emergency or transitional
26 housing that are furnished to the department of revenue or a county
27 assessor in order to substantiate a claim for property tax exemption
28 under RCW 84.36.043.

29 (ll) The names, residential addresses, residential telephone
30 numbers, and other individually identifiable records held by an agency
31 in relation to a vanpool, carpool, or other ride-sharing program or
32 service. However, these records may be disclosed to other persons who
33 apply for ride-matching services and who need that information in order
34 to identify potential riders or drivers with whom to share rides.

35 (mm) The personally identifying information of current or former
36 participants or applicants in a paratransit or other transit service
37 operated for the benefit of persons with disabilities or elderly
38 persons.

1 (nn) The personally identifying information of persons who acquire
2 and use transit passes and other fare payment media including, but not
3 limited to, stored value smart cards and magnetic strip cards, except
4 that an agency may disclose this information to a person, employer,
5 educational institution, or other entity that is responsible, in whole
6 or in part, for payment of the cost of acquiring or using a transit
7 pass or other fare payment media, or to the news media when reporting
8 on public transportation or public safety. This information may also
9 be disclosed at the agency's discretion to governmental agencies or
10 groups concerned with public transportation or public safety.

11 (oo) Proprietary financial and commercial information that the
12 submitting entity, with review by the department of health,
13 specifically identifies at the time it is submitted and that is
14 provided to or obtained by the department of health in connection with
15 an application for, or the supervision of, an antitrust exemption
16 sought by the submitting entity under RCW 43.72.310. If a request for
17 such information is received, the submitting entity must be notified of
18 the request. Within ten business days of receipt of the notice, the
19 submitting entity shall provide a written statement of the continuing
20 need for confidentiality, which shall be provided to the requester.
21 Upon receipt of such notice, the department of health shall continue to
22 treat information designated under this section as exempt from
23 disclosure. If the requester initiates an action to compel disclosure
24 under this chapter, the submitting entity must be joined as a party to
25 demonstrate the continuing need for confidentiality.

26 (pp) Records maintained by the board of industrial insurance
27 appeals that are related to appeals of crime victims' compensation
28 claims filed with the board under RCW 7.68.110.

29 (qq) Financial and commercial information supplied by or on behalf
30 of a person, firm, corporation, or entity under chapter 28B.95 RCW
31 relating to the purchase or sale of tuition units and contracts for the
32 purchase of multiple tuition units.

33 (rr) Any records of investigative reports prepared by any state,
34 county, municipal, or other law enforcement agency pertaining to sex
35 offenses contained in chapter 9A.44 RCW or sexually violent offenses as
36 defined in RCW 71.09.020, which have been transferred to the Washington
37 association of sheriffs and police chiefs for permanent electronic
38 retention and retrieval pursuant to RCW 40.14.070(2)(b).

1 (ss) Credit card numbers, debit card numbers, electronic check
2 numbers, card expiration dates, or bank or other financial account
3 numbers, except when disclosure is expressly required by or governed by
4 other law.

5 (tt) Financial information, including but not limited to account
6 numbers and values, and other identification numbers supplied by or on
7 behalf of a person, firm, corporation, limited liability company,
8 partnership, or other entity related to an application for a liquor
9 license, gambling license, or lottery retail license.

10 (uu) Records maintained by the employment security department and
11 subject to chapter 50.13 RCW if provided to another individual or
12 organization for operational, research, or evaluation purposes.

13 (vv) Individually identifiable information received by the work
14 force training and education coordinating board for research or
15 evaluation purposes.

16 (ww) Those portions of records assembled, prepared, or maintained
17 to prevent, mitigate, or respond to criminal terrorist acts, which are
18 acts that significantly disrupt the conduct of government or of the
19 general civilian population of the state or the United States and that
20 manifest an extreme indifference to human life, the public disclosure
21 of which would have a substantial likelihood of threatening public
22 safety, consisting of:

23 (i) Specific and unique vulnerability assessments or specific and
24 unique response or deployment plans, including compiled underlying data
25 collected in preparation of or essential to the assessments, or to the
26 response or deployment plans; and

27 (ii) Records not subject to public disclosure under federal law
28 that are shared by federal or international agencies, and information
29 prepared from national security briefings provided to state or local
30 government officials related to domestic preparedness for acts of
31 terrorism.

32 (xx) Commercial fishing catch data from logbooks required to be
33 provided to the department of fish and wildlife under RCW 77.12.047,
34 when the data identifies specific catch location, timing, or
35 methodology and the release of which would result in unfair competitive
36 disadvantage to the commercial fisher providing the catch data.
37 However, this information may be released to government agencies
38 concerned with the management of fish and wildlife resources.

1 (yy) Sensitive wildlife data obtained by the department of fish and
2 wildlife. However, sensitive wildlife data may be released to
3 government agencies concerned with the management of fish and wildlife
4 resources. Sensitive wildlife data includes:

5 (i) The nesting sites or specific locations of endangered species
6 designated under RCW 77.12.020, or threatened or sensitive species
7 classified by rule of the department of fish and wildlife;

8 (ii) Radio frequencies used in, or locational data generated by,
9 telemetry studies; or

10 (iii) Other location data that could compromise the viability of a
11 specific fish or wildlife population, and where at least one of the
12 following criteria are met:

13 (A) The species has a known commercial or black market value;

14 (B) There is a history of malicious take of that species; or

15 (C) There is a known demand to visit, take, or disturb, and the
16 species behavior or ecology renders it especially vulnerable or the
17 species has an extremely limited distribution and concentration.

18 (zz) The personally identifying information of persons who acquire
19 recreational licenses under RCW 77.32.010 or commercial licenses under
20 chapter 77.65 or 77.70 RCW, except name, address of contact used by the
21 department, and type of license, endorsement, or tag. However, the
22 department of fish and wildlife may disclose personally identifying
23 information to:

24 (i) Government agencies concerned with the management of fish and
25 wildlife resources;

26 (ii) The department of social and health services, child support
27 division, and to the department of licensing in order to implement RCW
28 77.32.014 and 46.20.291; and

29 (iii) Law enforcement agencies for the purpose of firearm
30 possession enforcement under RCW 9.41.040.

31 (aaa)(i) Discharge papers of a veteran of the armed forces of the
32 United States filed at the office of the county auditor before July 1,
33 2002, that have not been commingled with other recorded documents.
34 These records will be available only to the veteran, the veteran's next
35 of kin, a deceased veteran's properly appointed personal representative
36 or executor, a person holding that veteran's general power of attorney,
37 or to anyone else designated in writing by that veteran to receive the
38 records.

1 (ii) Discharge papers of a veteran of the armed forces of the
2 United States filed at the office of the county auditor before July 1,
3 2002, that have been commingled with other records, if the veteran has
4 recorded a "request for exemption from public disclosure of discharge
5 papers" with the county auditor. If such a request has been recorded,
6 these records may be released only to the veteran filing the papers,
7 the veteran's next of kin, a deceased veteran's properly appointed
8 personal representative or executor, a person holding the veteran's
9 general power of attorney, or anyone else designated in writing by the
10 veteran to receive the records.

11 (iii) Discharge papers of a veteran filed at the office of the
12 county auditor after June 30, 2002, are not public records, but will be
13 available only to the veteran, the veteran's next of kin, a deceased
14 veteran's properly appointed personal representative or executor, a
15 person holding the veteran's general power of attorney, or anyone else
16 designated in writing by the veteran to receive the records.

17 (iv) For the purposes of this subsection (1)(aaa), next of kin of
18 deceased veterans have the same rights to full access to the record.
19 Next of kin are the veteran's widow or widower who has not remarried,
20 son, daughter, father, mother, brother, and sister.

21 (bbb) Those portions of records containing specific and unique
22 vulnerability assessments or specific and unique emergency and escape
23 response plans at a city, county, or state adult or juvenile
24 correctional facility, the public disclosure of which would have a
25 substantial likelihood of threatening the security of a city, county,
26 or state adult or juvenile correctional facility or any individual's
27 safety.

28 (ccc) Information compiled by school districts or schools in the
29 development of their comprehensive safe school plans pursuant to RCW
30 28A.320.125, to the extent that they identify specific vulnerabilities
31 of school districts and each individual school.

32 (ddd) Information regarding the infrastructure and security of
33 computer and telecommunications networks, consisting of security
34 passwords, security access codes and programs, access codes for secure
35 software applications, security and service recovery plans, security
36 risk assessments, and security test results to the extent that they
37 identify specific system vulnerabilities.

1 (eee) Information obtained and exempted or withheld from public
2 inspection by the health care authority under RCW 41.05.026, whether
3 retained by the authority, transferred to another state purchased
4 health care program by the authority, or transferred by the authority
5 to a technical review committee created to facilitate the development,
6 acquisition, or implementation of state purchased health care under
7 chapter 41.05 RCW.

8 (fff) Proprietary data, trade secrets, or other information that
9 relates to: (i) A vendor's unique methods of conducting business; (ii)
10 data unique to the product or services of the vendor; or (iii)
11 determining prices or rates to be charged for services, submitted by
12 any vendor to the department of social and health services for purposes
13 of the development, acquisition, or implementation of state purchased
14 health care as defined in RCW 41.05.011.

15 (ggg) Proprietary information deemed confidential for the purposes
16 of section 923, chapter 26, Laws of 2003 1st sp. sess.

17 (hhh) Any records of the party ballot voted and returned by a
18 particular unaffiliated voter.

19 (2) Except for information described in subsection (1)(c)(i) of
20 this section and confidential income data exempted from public
21 inspection pursuant to RCW 84.40.020, the exemptions of this section
22 are inapplicable to the extent that information, the disclosure of
23 which would violate personal privacy or vital governmental interests,
24 can be deleted from the specific records sought. No exemption may be
25 construed to permit the nondisclosure of statistical information not
26 descriptive of any readily identifiable person or persons.

27 (3) Inspection or copying of any specific records exempt under the
28 provisions of this section may be permitted if the superior court in
29 the county in which the record is maintained finds, after a hearing
30 with notice thereof to every person in interest and the agency, that
31 the exemption of such records is clearly unnecessary to protect any
32 individual's right of privacy or any vital governmental function.

33 (4) Agency responses refusing, in whole or in part, inspection of
34 any public record shall include a statement of the specific exemption
35 authorizing the withholding of the record (or part) and a brief
36 explanation of how the exemption applies to the record withheld.

1 **Sec. 173.** RCW 42.17.310 and 2003 c 277 s 3 and 2003 c 124 s 1 are
2 each reenacted and amended to read as follows:

3 (1) The following are exempt from public inspection and copying:

4 (a) Personal information in any files maintained for students in
5 public schools, patients or clients of public institutions or public
6 health agencies, or welfare recipients.

7 (b) Personal information in files maintained for employees,
8 appointees, or elected officials of any public agency to the extent
9 that disclosure would violate their right to privacy.

10 (c) Information required of any taxpayer in connection with the
11 assessment or collection of any tax if the disclosure of the
12 information to other persons would (i) be prohibited to such persons by
13 RCW 84.08.210, 82.32.330, 84.40.020, or 84.40.340 or (ii) violate the
14 taxpayer's right to privacy or result in unfair competitive
15 disadvantage to the taxpayer.

16 (d) Specific intelligence information and specific investigative
17 records compiled by investigative, law enforcement, and penology
18 agencies, and state agencies vested with the responsibility to
19 discipline members of any profession, the nondisclosure of which is
20 essential to effective law enforcement or for the protection of any
21 person's right to privacy.

22 (e) Information revealing the identity of persons who are witnesses
23 to or victims of crime or who file complaints with investigative, law
24 enforcement, or penology agencies, other than the public disclosure
25 commission, if disclosure would endanger any person's life, physical
26 safety, or property. If at the time a complaint is filed the
27 complainant, victim or witness indicates a desire for disclosure or
28 nondisclosure, such desire shall govern. However, all complaints filed
29 with the public disclosure commission about any elected official or
30 candidate for public office must be made in writing and signed by the
31 complainant under oath.

32 (f) Test questions, scoring keys, and other examination data used
33 to administer a license, employment, or academic examination.

34 (g) Except as provided by chapter 8.26 RCW, the contents of real
35 estate appraisals, made for or by any agency relative to the
36 acquisition or sale of property, until the project or prospective sale
37 is abandoned or until such time as all of the property has been

1 acquired or the property to which the sale appraisal relates is sold,
2 but in no event shall disclosure be denied for more than three years
3 after the appraisal.

4 (h) Valuable formulae, designs, drawings, computer source code or
5 object code, and research data obtained by any agency within five years
6 of the request for disclosure when disclosure would produce private
7 gain and public loss.

8 (i) Preliminary drafts, notes, recommendations, and intra-agency
9 memorandums in which opinions are expressed or policies formulated or
10 recommended except that a specific record shall not be exempt when
11 publicly cited by an agency in connection with any agency action.

12 (j) Records which are relevant to a controversy to which an agency
13 is a party but which records would not be available to another party
14 under the rules of pretrial discovery for causes pending in the
15 superior courts.

16 (k) Records, maps, or other information identifying the location of
17 archaeological sites in order to avoid the looting or depredation of
18 such sites.

19 (l) Any library record, the primary purpose of which is to maintain
20 control of library materials, or to gain access to information, which
21 discloses or could be used to disclose the identity of a library user.

22 (m) Financial information supplied by or on behalf of a person,
23 firm, or corporation for the purpose of qualifying to submit a bid or
24 proposal for (i) a ferry system construction or repair contract as
25 required by RCW 47.60.680 through 47.60.750 or (ii) highway
26 construction or improvement as required by RCW 47.28.070.

27 (n) Railroad company contracts filed prior to July 28, 1991, with
28 the utilities and transportation commission under RCW 81.34.070, except
29 that the summaries of the contracts are open to public inspection and
30 copying as otherwise provided by this chapter.

31 (o) Financial and commercial information and records supplied by
32 private persons pertaining to export services provided pursuant to
33 chapter 43.163 RCW and chapter 53.31 RCW, and by persons pertaining to
34 export projects pursuant to RCW 43.23.035.

35 (p) Financial disclosures filed by private vocational schools under
36 chapters 28B.85 and 28C.10 RCW.

37 (q) Records filed with the utilities and transportation commission

1 or attorney general under RCW 80.04.095 that a court has determined are
2 confidential under RCW 80.04.095.

3 (r) Financial and commercial information and records supplied by
4 businesses or individuals during application for loans or program
5 services provided by chapters 43.163, 43.160, 43.330, and 43.168 RCW,
6 or during application for economic development loans or program
7 services provided by any local agency.

8 (s) Membership lists or lists of members or owners of interests of
9 units in timeshare projects, subdivisions, camping resorts,
10 condominiums, land developments, or common-interest communities
11 affiliated with such projects, regulated by the department of
12 licensing, in the files or possession of the department.

13 (t) All applications for public employment, including the names of
14 applicants, resumes, and other related materials submitted with respect
15 to an applicant.

16 (u) The residential addresses or residential telephone numbers of
17 employees or volunteers of a public agency which are held by any public
18 agency in personnel records, public employment related records, or
19 volunteer rosters, or are included in any mailing list of employees or
20 volunteers of any public agency.

21 (v) The residential addresses and residential telephone numbers of
22 the customers of a public utility contained in the records or lists
23 held by the public utility of which they are customers, except that
24 this information may be released to the division of child support or
25 the agency or firm providing child support enforcement for another
26 state under Title IV-D of the federal social security act, for the
27 establishment, enforcement, or modification of a support order.

28 (w)(i) The federal social security number of individuals governed
29 under chapter 18.130 RCW maintained in the files of the department of
30 health, except this exemption does not apply to requests made directly
31 to the department from federal, state, and local agencies of
32 government, and national and state licensing, credentialing,
33 investigatory, disciplinary, and examination organizations; (ii) the
34 current residential address and current residential telephone number of
35 a health care provider governed under chapter 18.130 RCW maintained in
36 the files of the department, if the provider requests that this
37 information be withheld from public inspection and copying, and
38 provides to the department an accurate alternate or business address

1 and business telephone number. On or after January 1, 1995, the
2 current residential address and residential telephone number of a
3 health care provider governed under RCW 18.130.040 maintained in the
4 files of the department shall automatically be withheld from public
5 inspection and copying unless the provider specifically requests the
6 information be released, and except as provided for under RCW
7 42.17.260(9).

8 (x) Information obtained by the board of pharmacy as provided in
9 RCW 69.45.090.

10 (y) Information obtained by the board of pharmacy or the department
11 of health and its representatives as provided in RCW 69.41.044,
12 69.41.280, and 18.64.420.

13 (z) Financial information, business plans, examination reports, and
14 any information produced or obtained in evaluating or examining a
15 business and industrial development corporation organized or seeking
16 certification under chapter 31.24 RCW.

17 (aa) Financial and commercial information supplied to the state
18 investment board by any person when the information relates to the
19 investment of public trust or retirement funds and when disclosure
20 would result in loss to such funds or in private loss to the providers
21 of this information.

22 (bb) Financial and valuable trade information under RCW 51.36.120.

23 (cc) Client records maintained by an agency that is a domestic
24 violence program as defined in RCW 70.123.020 or 70.123.075 or a rape
25 crisis center as defined in RCW 70.125.030.

26 (dd) Information that identifies a person who, while an agency
27 employee: (i) Seeks advice, under an informal process established by
28 the employing agency, in order to ascertain his or her rights in
29 connection with a possible unfair practice under chapter 49.60 RCW
30 against the person; and (ii) requests his or her identity or any
31 identifying information not be disclosed.

32 (ee) Investigative records compiled by an employing agency
33 conducting a current investigation of a possible unfair practice under
34 chapter 49.60 RCW or of a possible violation of other federal, state,
35 or local laws prohibiting discrimination in employment.

36 (ff) Business related information protected from public inspection
37 and copying under RCW 15.86.110.

1 (gg) Financial, commercial, operations, and technical and research
2 information and data submitted to or obtained by the clean Washington
3 center in applications for, or delivery of, program services under
4 chapter 70.95H RCW.

5 (hh) Information and documents created specifically for, and
6 collected and maintained by a quality improvement committee pursuant to
7 RCW 43.70.510 or 70.41.200, or by a peer review committee under RCW
8 4.24.250, regardless of which agency is in possession of the
9 information and documents.

10 (ii) Personal information in files maintained in a data base
11 created under RCW 43.07.360.

12 (jj) Financial and commercial information requested by the public
13 stadium authority from any person or organization that leases or uses
14 the stadium and exhibition center as defined in RCW 36.102.010.

15 (kk) Names of individuals residing in emergency or transitional
16 housing that are furnished to the department of revenue or a county
17 assessor in order to substantiate a claim for property tax exemption
18 under RCW 84.36.043.

19 (ll) The names, residential addresses, residential telephone
20 numbers, and other individually identifiable records held by an agency
21 in relation to a vanpool, carpool, or other ride-sharing program or
22 service. However, these records may be disclosed to other persons who
23 apply for ride-matching services and who need that information in order
24 to identify potential riders or drivers with whom to share rides.

25 (mm) The personally identifying information of current or former
26 participants or applicants in a paratransit or other transit service
27 operated for the benefit of persons with disabilities or elderly
28 persons.

29 (nn) The personally identifying information of persons who acquire
30 and use transit passes and other fare payment media including, but not
31 limited to, stored value smart cards and magnetic strip cards, except
32 that an agency may disclose this information to a person, employer,
33 educational institution, or other entity that is responsible, in whole
34 or in part, for payment of the cost of acquiring or using a transit
35 pass or other fare payment media, or to the news media when reporting
36 on public transportation or public safety. This information may also
37 be disclosed at the agency's discretion to governmental agencies or
38 groups concerned with public transportation or public safety.

1 (oo) Proprietary financial and commercial information that the
2 submitting entity, with review by the department of health,
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5 an application for, or the supervision of, an antitrust exemption
6 sought by the submitting entity under RCW 43.72.310. If a request for
7 such information is received, the submitting entity must be notified of
8 the request. Within ten business days of receipt of the notice, the
9 submitting entity shall provide a written statement of the continuing
10 need for confidentiality, which shall be provided to the requester.
11 Upon receipt of such notice, the department of health shall continue to
12 treat information designated under this section as exempt from
13 disclosure. If the requester initiates an action to compel disclosure
14 under this chapter, the submitting entity must be joined as a party to
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35 behalf of a person, firm, corporation, limited liability company,
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37 license, gambling license, or lottery retail license.

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2 subject to chapter 50.13 RCW if provided to another individual or
3 organization for operational, research, or evaluation purposes.

4 (vv) Individually identifiable information received by the work
5 force training and education coordinating board for research or
6 evaluation purposes.

7 (ww) Those portions of records assembled, prepared, or maintained
8 to prevent, mitigate, or respond to criminal terrorist acts, which are
9 acts that significantly disrupt the conduct of government or of the
10 general civilian population of the state or the United States and that
11 manifest an extreme indifference to human life, the public disclosure
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13 safety, consisting of:

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15 unique response or deployment plans, including compiled underlying data
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29 concerned with the management of fish and wildlife resources.

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37 (ii) Radio frequencies used in, or locational data generated by,
38 telemetry studies; or

1 (iii) Other location data that could compromise the viability of a
2 specific fish or wildlife population, and where at least one of the
3 following criteria are met:

4 (A) The species has a known commercial or black market value;

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23 United States filed at the office of the county auditor before July 1,
24 2002, that have not been commingled with other recorded documents.
25 These records will be available only to the veteran, the veteran's next
26 of kin, a deceased veteran's properly appointed personal representative
27 or executor, a person holding that veteran's general power of attorney,
28 or to anyone else designated in writing by that veteran to receive the
29 records.

30 (ii) Discharge papers of a veteran of the armed forces of the
31 United States filed at the office of the county auditor before July 1,
32 2002, that have been commingled with other records, if the veteran has
33 recorded a "request for exemption from public disclosure of discharge
34 papers" with the county auditor. If such a request has been recorded,
35 these records may be released only to the veteran filing the papers,
36 the veteran's next of kin, a deceased veteran's properly appointed
37 personal representative or executor, a person holding the veteran's

1 general power of attorney, or anyone else designated in writing by the
2 veteran to receive the records.

3 (iii) Discharge papers of a veteran filed at the office of the
4 county auditor after June 30, 2002, are not public records, but will be
5 available only to the veteran, the veteran's next of kin, a deceased
6 veteran's properly appointed personal representative or executor, a
7 person holding the veteran's general power of attorney, or anyone else
8 designated in writing by the veteran to receive the records.

9 (iv) For the purposes of this subsection (1)(aaa), next of kin of
10 deceased veterans have the same rights to full access to the record.
11 Next of kin are the veteran's widow or widower who has not remarried,
12 son, daughter, father, mother, brother, and sister.

13 (bbb) Those portions of records containing specific and unique
14 vulnerability assessments or specific and unique emergency and escape
15 response plans at a city, county, or state adult or juvenile
16 correctional facility, the public disclosure of which would have a
17 substantial likelihood of threatening the security of a city, county,
18 or state adult or juvenile correctional facility or any individual's
19 safety.

20 (ccc) Information compiled by school districts or schools in the
21 development of their comprehensive safe school plans pursuant to RCW
22 28A.320.125, to the extent that they identify specific vulnerabilities
23 of school districts and each individual school.

24 (ddd) Information regarding the infrastructure and security of
25 computer and telecommunications networks, consisting of security
26 passwords, security access codes and programs, access codes for secure
27 software applications, security and service recovery plans, security
28 risk assessments, and security test results to the extent that they
29 identify specific system vulnerabilities.

30 (eee) Information obtained and exempted or withheld from public
31 inspection by the health care authority under RCW 41.05.026, whether
32 retained by the authority, transferred to another state purchased
33 health care program by the authority, or transferred by the authority
34 to a technical review committee created to facilitate the development,
35 acquisition, or implementation of state purchased health care under
36 chapter 41.05 RCW.

37 (fff) Proprietary data, trade secrets, or other information that
38 relates to: (i) A vendor's unique methods of conducting business; (ii)

1 data unique to the product or services of the vendor; or (iii)
2 determining prices or rates to be charged for services, submitted by
3 any vendor to the department of social and health services for purposes
4 of the development, acquisition, or implementation of state purchased
5 health care as defined in RCW 41.05.011.

6 (ggg) Any records of the party ballot voted and returned by a
7 particular unaffiliated voter.

8 (2) Except for information described in subsection (1)(c)(i) of
9 this section and confidential income data exempted from public
10 inspection pursuant to RCW 84.40.020, the exemptions of this section
11 are inapplicable to the extent that information, the disclosure of
12 which would violate personal privacy or vital governmental interests,
13 can be deleted from the specific records sought. No exemption may be
14 construed to permit the nondisclosure of statistical information not
15 descriptive of any readily identifiable person or persons.

16 (3) Inspection or copying of any specific records exempt under the
17 provisions of this section may be permitted if the superior court in
18 the county in which the record is maintained finds, after a hearing
19 with notice thereof to every person in interest and the agency, that
20 the exemption of such records is clearly unnecessary to protect any
21 individual's right of privacy or any vital governmental function.

22 (4) Agency responses refusing, in whole or in part, inspection of
23 any public record shall include a statement of the specific exemption
24 authorizing the withholding of the record (or part) and a brief
25 explanation of how the exemption applies to the record withheld.

26 NEW SECTION. Sec. 174. The following acts or parts of acts are
27 each repealed:

28 (1) RCW 29A.04.903 (Effective date--2003 c 111) and 2003 c 111 s
29 2405;

30 (2) RCW 29A.36.140 (Primaries--Rotating names of candidates) and
31 2003 c 111 s 914;

32 (3) RCW 29A.52.110 (Application of chapter) and 2003 c 111 s 1302;

33 (4) RCW 29A.52.120 (General election laws govern primaries) and
34 2003 c 111 s 1303;

35 (5) RCW 29A.52.130 (Blanket primary authorized) and 2003 c 111 s
36 1304; and

37 (6) RCW 29A.56.010 (Intent) and 2003 c 111 s 1401 & 1989 c 4 s 1.

1 **PART 2 - ALTERNATIVE PRIMARY**

2 NEW SECTION. **Sec. 201.** "Major political party" means a political
3 party identified as the party best approximating his or her political
4 philosophy by at least one candidate for an office voted upon statewide
5 who also received at least five percent of the total votes cast for
6 that office at the last primary or general election in a year in which
7 the governor is elected.

8 NEW SECTION. **Sec. 202.** The rights of Washington voters are
9 protected by its Constitution and laws and include the following
10 fundamental rights:

- 11 (1) The right of qualified voters to vote at all elections;
12 (2) The right of absolute secrecy of the vote. No voter may be
13 required to disclose political faith or adherence in order to vote; and
14 (3) The right to cast a vote for any candidate for each office
15 without any limitation based on party preference or affiliation, of
16 either the voter or the candidate.

17 NEW SECTION. **Sec. 203.** "Partisan office" means an office for
18 which a candidate may identify a political philosophy under section
19 214(3) or 215 of this act, and is limited to the following offices:

- 20 (1) United States senator and representative;
21 (2) All state offices except (a) judicial offices and (b) the
22 office of superintendent of public instruction;
23 (3) All county offices except (a) judicial offices and (b) those
24 offices where a county home rule charter provides otherwise.

25 NEW SECTION. **Sec. 204.** "Primary" means a statutory qualifying
26 procedure in which each registered voter eligible to vote in the
27 district or jurisdiction is permitted to cast a vote for his or her
28 preferred candidate for each office appearing on the ballot, without
29 any limitation based on party preference or affiliation on the part of
30 the voter or the candidate, with the result that not more than two
31 candidates for each office qualify to appear on the general election
32 ballot.

33 NEW SECTION. **Sec. 205.** Qualifying primaries for general elections

1 to be held in November must be held on the third Tuesday of the
2 preceding September or on the seventh Tuesday immediately preceding
3 such general election, whichever occurs first.

4 NEW SECTION. **Sec. 206.** (1) A person filing a declaration of
5 candidacy for an office shall, at the time of filing, be a registered
6 voter and possess the qualifications specified by law for persons who
7 may be elected to the office.

8 (2) Excluding the office of precinct committee officer or a
9 temporary elected position such as a charter review board member or
10 freeholder, no person may file for more than one office.

11 (3) The name of a candidate for an office shall not appear on a
12 ballot for that office unless, except as provided in RCW 3.46.067 and
13 3.50.057, the candidate is, at the time the candidate's declaration of
14 candidacy is filed, properly registered to vote in the geographic area
15 represented by the office. For the purposes of this section, each
16 geographic area in which registered voters may cast ballots for an
17 office is represented by that office. If a person elected to an office
18 must be elected from a district or similar division of the geographic
19 area represented by the office, the name of a candidate for the office
20 shall not appear on a primary ballot for that office unless the
21 candidate is, at the time the candidate's declaration of candidacy is
22 filed, properly registered to vote in that district or division. The
23 officer with whom declarations of candidacy must be filed under this
24 title shall review each such declaration filed regarding compliance
25 with this subsection.

26 (4) The requirements of voter registration and residence within the
27 geographic area of a district do not apply to candidates for
28 congressional office. Qualifications for United States Congress are
29 specified in the United States Constitution.

30 NEW SECTION. **Sec. 207.** Nominations of candidates for president
31 and vice president of the United States other than by a major political
32 party must be made at a convention to be held not earlier than the
33 first Sunday in July and not later than seventy days before the general
34 election.

1 officer must give effect to both certificates. If conflicting claims
2 to the party name are not resolved either by mutual agreement or by a
3 judicial determination of the right to the name, the candidates must be
4 treated as independent candidates. Disputes over the right to the name
5 must not be permitted to delay the printing of either ballots or a
6 voters' pamphlet.

7 (2) A person affected may petition the superior court of Thurston
8 county for a judicial determination of the right to the name of a minor
9 political party, either before or after documents are filed with the
10 secretary of state. The court shall resolve the conflict between
11 competing claims to the use of the same party name according to the
12 following principles: (a) The prior established public use of the name
13 during previous elections by a party composed of or led by the same
14 individuals or individuals in documented succession; (b) prior
15 established public use of the name earlier in the same election cycle;
16 (c) documented affiliation with a national or statewide party
17 organization with an established use of the name; (d) the first date of
18 filing of a certificate of nomination; and (e) such other indicia of an
19 established right to use of the name as the court may deem relevant.
20 Upon resolving the conflict between competing claims, the court may
21 also address any ballot designation for the candidate who does not
22 prevail.

23 NEW SECTION. **Sec. 212.** A minor political party or independent
24 candidate convention nominating candidates for the offices of president
25 and vice president of the United States shall, not later than ten days
26 after the adjournment of the convention, submit a list of presidential
27 electors to the office of the secretary of state. The list shall
28 contain the names and the mailing addresses of the persons selected and
29 shall be verified by the candidates named on the nominating petition.

30 NEW SECTION. **Sec. 213.** Upon the receipt of the nominating
31 petition, the secretary of state shall canvass the signatures. Once
32 the determination of the sufficiency of the petitions has been made,
33 the filing officer shall notify the candidates and any other persons
34 requesting the notification. Any appeal regarding the filing officer's
35 determination must be filed with the superior court of Thurston county
36 not later than five days from the date the determination is made, and

1 shall be heard and finally disposed of by the court within five days of
2 the filing. Nominating petitions shall not be available for public
3 inspection or copying.

4 NEW SECTION. **Sec. 214.** A candidate who desires to have his or her
5 name printed on the ballot for election to an office other than
6 president of the United States, vice president of the United States, or
7 an office for which ownership of property is a prerequisite to voting
8 shall complete and file a declaration of candidacy. The secretary of
9 state shall adopt, by rule, a declaration of candidacy form for the
10 office of precinct committee officer and a separate standard form for
11 candidates for all other offices filing under this chapter. Included
12 on the standard form shall be:

13 (1) A place for the candidate to declare that he or she is a
14 registered voter within the jurisdiction of the office for which he or
15 she is filing, and the address at which he or she is registered;

16 (2) A place for the candidate to indicate the position for which he
17 or she is filing;

18 (3) For those offices defined in section 203 of this act only, a
19 place for the candidate to identify a major or minor political party,
20 if any, the candidate regards as best approximating his or her own
21 political philosophy. No candidate may list more than one political
22 party. Nothing in this indication of political philosophy may be
23 construed as denoting an endorsement or nomination by that party. The
24 sole purpose of allowing candidates to identify a political party
25 preference is to provide to voters a brief description of each
26 candidate's political philosophy, which the voters may consider when
27 casting their votes at a primary or general election. If a court of
28 competent jurisdiction holds that a political party has a right to
29 control the use of the name in a manner inconsistent with this
30 subsection, this subsection is inoperative and section 215 of this act
31 applies;

32 (4) A place for the candidate to indicate the amount of the filing
33 fee accompanying the declaration of candidacy or for the candidate to
34 indicate that he or she is filing a petition in lieu of the filing fee
35 under section 217 of this act;

36 (5) A place for the candidate to sign the declaration of candidacy,
37 stating that the information provided on the form is true and swearing

1 or affirming that he or she will support the Constitution and laws of
2 the United States and the Constitution and laws of the state of
3 Washington.

4 In the case of a declaration of candidacy filed electronically,
5 submission of the form constitutes agreement that the information
6 provided with the filing is true, that he or she will support the
7 Constitutions and laws of the United States and the state of
8 Washington, and that he or she agrees to electronic payment of the
9 filing fee established in section 217 of this act.

10 The secretary of state may require any other information on the
11 form he or she deems appropriate to facilitate the filing process.

12 NEW SECTION. **Sec. 215.** If, as provided in section 214(3) of this
13 act, a court of competent jurisdiction holds that a political party has
14 the right to control the use of its name in a manner inconsistent with
15 the provisions of that subsection, then the following process applies:

16 For those offices defined in section 203 of this act, a place for
17 the candidate to submit a description of up to three words that the
18 candidate regards as best approximating his or her own political
19 philosophy. The sole purpose of allowing a candidate to submit a
20 three-word description is to provide to voters information about each
21 candidate's political philosophy, which the voters may consider when
22 casting their votes at a primary or general election. The secretary of
23 state shall adopt rules as necessary for the implementation of this
24 section.

25 NEW SECTION. **Sec. 216.** Any candidate may mail his or her
26 declaration of candidacy for an office to the filing officer. Such
27 declarations of candidacy shall be processed by the filing officer in
28 the following manner:

29 (1) Any declaration received by the filing officer by mail before
30 the tenth business day immediately preceding the first day for
31 candidates to file for office shall be returned to the candidate
32 submitting it, together with a notification that the declaration of
33 candidacy was received too early to be processed. The candidate shall
34 then be permitted to resubmit his or her declaration of candidacy
35 during the filing period.

1 (2) Any properly executed declaration of candidacy received by mail
2 on or after the tenth business day immediately preceding the first day
3 for candidates to file for office and before the close of business on
4 the last day of the filing period shall be included with filings made
5 in person during the filing period. In primaries for partisan office
6 and judicial offices the filing officer shall determine by lot the
7 order in which the names of those candidates shall appear upon sample
8 and absentee primary ballots.

9 (3) Any declaration of candidacy received by the filing officer
10 after the close of business on the last day for candidates to file for
11 office shall be rejected and returned to the candidate attempting to
12 file it.

13 NEW SECTION. **Sec. 217.** A filing fee of one dollar shall accompany
14 each declaration of candidacy for precinct committee officer; a filing
15 fee of ten dollars shall accompany the declaration of candidacy for any
16 office with a fixed annual salary of one thousand dollars or less; a
17 filing fee equal to one percent of the annual salary of the office at
18 the time of filing shall accompany the declaration of candidacy for any
19 office with a fixed annual salary of more than one thousand dollars per
20 annum. No filing fee need accompany a declaration of candidacy for any
21 office for which compensation is on a per diem or per meeting attended
22 basis.

23 A candidate who lacks sufficient assets or income at the time of
24 filing to pay the filing fee required by this section shall submit with
25 his or her declaration of candidacy a filing petition. The petition
26 shall contain not less than a number of signatures of registered voters
27 equal to the number of dollars of the filing fee. The signatures shall
28 be of voters registered to vote within the jurisdiction of the office
29 for which the candidate is filing.

30 When the candidacy is for:

31 (1) A legislative or judicial office that includes territory from
32 more than one county, the fee shall be paid to the secretary of state
33 for equal division between the treasuries of the counties comprising
34 the district.

35 (2) A city or town office, the fee shall be paid to the county
36 auditor who shall transmit it to the city or town clerk for deposit in
37 the city or town treasury.

1 NEW SECTION. **Sec. 218.** The filing petition authorized by section
2 217 of this act shall be printed on sheets of uniform color and size,
3 shall contain no more than twenty numbered lines, and must be in
4 substantially the following form:

5 The warning prescribed by RCW 29A.72.140; followed by:

6 We, the undersigned registered voters of . . . (the state of
7 Washington or the political subdivision for which the filing is
8 made). . . , hereby petition that the name of . . . (candidate's
9 name). . . be printed on the official primary ballot for the office of
10 . . . (insert name of office). . .

11 If the candidate listed a political party on the declaration of
12 candidacy, then the name of that party must appear on the filing
13 petition.

14 The petition must include a place for each individual to sign and
15 print his or her name, and the address, city, and county at which he or
16 she is registered to vote.

17 NEW SECTION. **Sec. 219.** Petitions may be rejected for the
18 following reasons:

- 19 (1) The petition is not in the proper form;
- 20 (2) The petition clearly bears insufficient signatures;
- 21 (3) The petition is not accompanied by a declaration of candidacy;
- 22 (4) The time within which the petition and the declaration of
23 candidacy could have been filed has expired.

24 If the petition is accepted, the officer with whom it is filed
25 shall canvass the signatures contained on it and shall reject the
26 signatures of those persons who are not registered voters and the
27 signatures of those persons who are not registered to vote within the
28 jurisdiction of the office for which the petition is filed. He or she
29 shall additionally reject any signature that appears on the petitions
30 of two or more candidates for the same office and shall also reject,
31 each time it appears, the name of any person who signs the same
32 petition more than once.

33 If the officer with whom the petition is filed refuses to accept
34 the petition or refuses to certify the petition as bearing sufficient
35 valid signatures, the person filing the petition may appeal that action

1 to the superior court. The application for judicial review shall take
2 precedence over other cases and matters and shall be speedily heard and
3 determined.

4 NEW SECTION. **Sec. 220.** A void in candidacy for an office occurs
5 when an election for such office, except for the short term, has been
6 scheduled and no valid declaration of candidacy has been filed for the
7 position or all persons filing such valid declarations of candidacy
8 have died or been disqualified.

9 NEW SECTION. **Sec. 221.** The election officer with whom
10 declarations of candidacy are filed shall give notice of a void in
11 candidacy for an office by notifying press, radio, and television in
12 the county or counties involved and by such other means as may now or
13 hereafter be provided by law. The notice shall state the office, and
14 the time and place for filing declarations of candidacy.

15 NEW SECTION. **Sec. 222.** Filings to fill a void in candidacy for an
16 office must be made in the same manner and with the same official as
17 required during the regular filing period for such office.

18 NEW SECTION. **Sec. 223.** Filings for an office shall be reopened
19 for a period of three normal business days, such three day period to be
20 fixed by the election officer with whom such declarations of candidacy
21 are filed and notice thereof given by notifying press, radio, and
22 television in the county or counties and by such other means as may now
23 or hereafter be provided by law whenever before the sixth Tuesday prior
24 to a primary:

- 25 (1) A void in candidacy occurs;
- 26 (2) A vacancy occurs in an office leaving an unexpired term to be
27 filled by an election for which filings have not been held; or
- 28 (3) A candidate for judge of the superior court entitled to a
29 certificate of election pursuant to Article 4, section 29, Amendment 41
30 of the state Constitution, dies or is disqualified.

31 Candidacies validly filed within said three-day period shall appear
32 on the ballot as if made during the earlier filing period.

1 NEW SECTION. **Sec. 224.** Filings for a nonpartisan office (other
2 than judge of the supreme court or superintendent of public
3 instruction) shall be reopened for a period of three normal business
4 days, such three day period to be fixed by the election officer with
5 whom such declarations of candidacy are filed and notice thereof given
6 by notifying press, radio, and television in the county and by such
7 other means as may now or hereafter be provided by law, when:

8 (1) A void in candidacy for such nonpartisan office occurs on or
9 after the sixth Tuesday prior to a primary but prior to the sixth
10 Tuesday before an election; or

11 (2) A candidate for judge of the superior court eligible after a
12 contested primary for a certificate of election by Article 4, section
13 29, Amendment 41 of the state Constitution, dies or is disqualified
14 within the ten day period immediately following the last day allotted
15 for a candidate to withdraw; or

16 (3) A vacancy occurs in any nonpartisan office on or after the
17 sixth Tuesday prior to a primary but prior to the sixth Tuesday before
18 an election leaving an unexpired term to be filled by an election for
19 which filings have not been held.

20 The candidate receiving a plurality of the votes cast for that
21 office in the general election shall be deemed elected.

22 NEW SECTION. **Sec. 225.** A scheduled election lapses, the office is
23 deemed stricken from the ballot, no purported write-in votes may be
24 counted, and no candidate may be certified as elected, when:

25 (1) In an election for judge of the supreme court, superintendent
26 of public instruction, or a partisan office, a void in candidacy occurs
27 on or after the sixth Tuesday prior to a primary, public filings and
28 the primary being an indispensable phase of the election process for
29 such offices;

30 (2) Except as otherwise specified in section 224 of this act, a
31 candidate for judge of the superior court entitled to a certificate of
32 election pursuant to Article 4, section 29, Amendment 41 of the state
33 Constitution dies or is disqualified on or after the sixth Tuesday
34 prior to a primary;

35 (3) In other elections for nonpartisan office a void in candidacy
36 occurs or a vacancy occurs involving an unexpired term to be filled on
37 or after the sixth Tuesday prior to an election.

1 NEW SECTION. **Sec. 226.** Any person who desires to be a write-in
2 candidate and have such votes counted at a primary or election may file
3 a declaration of candidacy with the officer designated in RCW
4 29A.24.070 not later than the day before the primary or election.
5 Declarations of candidacy for write-in candidates must be accompanied
6 by a filing fee in the same manner as required of other candidates
7 filing for the office as provided in section 217 of this act.

8 Votes cast for write-in candidates who have filed such declarations
9 of candidacy need only specify the name of the candidate in the
10 appropriate location on the ballot in order to be counted. Write-in
11 votes cast for any other candidate, in order to be counted, must
12 designate the office sought and position number, if the manner in which
13 the write-in is done does not make the office or position clear. In
14 order for write-in votes to be valid in jurisdictions employing
15 optical-scan mark sense ballot systems the voter must complete the
16 proper mark next to the write-in line for that office.

17 No person may file as a write-in candidate where:

18 (1) At a general election, the person attempting to file either
19 filed as a write-in candidate for the same office at the preceding
20 primary or the person's name appeared on the ballot for the same office
21 at the preceding primary;

22 (2) The person attempting to file as a write-in candidate has
23 already filed a valid write-in declaration for that primary or
24 election, unless one or the other of the two filings is for the office
25 of precinct committeeperson;

26 (3) The name of the person attempting to file already appears on
27 the ballot as a candidate for another office, unless one of the two
28 offices for which he or she is a candidate is precinct committeeperson.

29 The declaration of candidacy shall be similar to that required by
30 section 214 of this act. No write-in candidate filing under this
31 section may be included in any voter's pamphlet produced under chapter
32 29A.32 RCW unless that candidate qualifies to have his or her name
33 printed on the general election ballot. The legislative authority of
34 any jurisdiction producing a local voter's pamphlet under chapter
35 29A.32 RCW may provide, by ordinance, for the inclusion of write-in
36 candidates in such pamphlets.

1 NEW SECTION. **Sec. 227.** If the death or disqualification of a
2 candidate for a partisan or nonpartisan office does not give rise to
3 the opening of a new filing period under section 223 of this act, then
4 the following will occur:

5 (1) If the candidate dies or becomes disqualified after filing a
6 declaration of candidacy but before the close of the filing period,
7 then the declaration of candidacy is void and his or her name will not
8 appear on the ballot;

9 (2) If the candidate dies or becomes disqualified after the close
10 of the filing period but before the day of the primary, then his or her
11 name will appear on the primary ballot and all otherwise valid votes
12 for that candidate will be tabulated. The candidate's name will not
13 appear on the general election ballot even if he or she otherwise would
14 have qualified to do so, but no other candidate will advance, or be
15 substituted, in the place of that candidate. If the candidate was the
16 only candidate to qualify to advance to the general election, then the
17 general election for that office lapses, and the office will be
18 regarded as vacant as of the time the newly elected official would have
19 otherwise taken office;

20 (3) If the candidate dies or becomes disqualified on or after the
21 day of the primary, and he or she would have otherwise qualified to
22 appear on the general election ballot, then his or her name will appear
23 on the general election ballot and all otherwise valid votes for that
24 candidate will be tabulated. If the candidate received a number of
25 votes sufficient to be elected to office, but for his or her death or
26 disqualification, then the office will be regarded as vacant as of the
27 time the newly elected official would have otherwise taken office.

28 NEW SECTION. **Sec. 228.** (1) Whenever a vacancy occurs in the
29 United States house of representatives or the United States senate from
30 this state, the governor shall order a special election to fill the
31 vacancy.

32 (2) Within ten days of such vacancy occurring, he or she shall
33 issue a writ of election fixing a date for the special vacancy election
34 not less than ninety days after the issuance of the writ, fixing a date
35 for the primary for qualifying candidates for the special vacancy
36 election not less than thirty days before the day fixed for holding the
37 special vacancy election, fixing the dates for the special filing

1 period, and designating the term or part of the term for which the
2 vacancy exists. If the vacancy is in the office of United States
3 representative, the writ of election shall specify the congressional
4 district that is vacant.

5 (3) If the vacancy occurs less than six months before a state
6 general election and before the second Friday following the close of
7 the filing period for that general election, the special primary and
8 special vacancy elections shall be held in concert with the state
9 primary and state general election in that year.

10 (4) If the vacancy occurs on or after the first day for filing
11 under RCW 29A.24.050 and on or before the second Friday following the
12 close of the filing period, a special filing period of three normal
13 business days shall be fixed by the governor and notice thereof given
14 to all media, including press, radio, and television within the area in
15 which the vacancy election is to be held, to the end that, insofar as
16 possible, all interested persons will be aware of such filing period.
17 The last day of the filing period shall not be later than the third
18 Tuesday before the primary. The names of candidates who have filed
19 valid declarations of candidacy during this three-day period shall
20 appear on the approaching primary ballot.

21 (5) If the vacancy occurs later than the second Friday following
22 the close of the filing period, a special primary and special vacancy
23 election to fill the position shall be held after the next state
24 general election but, in any event, no later than the ninetieth day
25 following the November election.

26 NEW SECTION. **Sec. 229.** After calling a special primary and
27 special vacancy election to fill a vacancy in the United States house
28 of representatives or the United States senate from this state, the
29 governor shall immediately notify the secretary of state who shall, in
30 turn, immediately notify the county auditor of each county wholly or
31 partly within which the vacancy exists.

32 Each county auditor shall publish notices of the special primary
33 and the special vacancy election at least once in any legal newspaper
34 published in the county, as provided by RCW 29A.52.310 and 29A.52.350
35 respectively.

1 NEW SECTION. **Sec. 230.** The general election laws and laws
2 relating to primaries for partisan offices apply to the special
3 primaries and vacancy elections provided for in sections 228 and 229 of
4 this act to the extent that they are not inconsistent with the
5 provisions of these sections. Statutory time deadlines relating to
6 availability of absentee ballots, certification, canvassing, and
7 related procedures that cannot be met in a timely fashion may be
8 modified for the purposes of a specific primary or vacancy election
9 under this chapter by the secretary of state through emergency rules
10 adopted under RCW 29A.04.610.

11 NEW SECTION. **Sec. 231.** The voters' pamphlet must contain:

12 (1) Information about each ballot measure initiated by or referred
13 to the voters for their approval or rejection as required by RCW
14 29A.32.070;

15 (2) In even-numbered years, statements, if submitted, advocating
16 the candidacies of candidates qualified to appear on the ballot for the
17 office of president and vice president of the United States, United
18 States senator, United States representative, governor, lieutenant
19 governor, secretary of state, state treasurer, state auditor, attorney
20 general, commissioner of public lands, superintendent of public
21 instruction, insurance commissioner, state senator, state
22 representative, justice of the supreme court, judge of the court of
23 appeals, or judge of the superior court. Candidates may also submit a
24 campaign mailing address and telephone number and a photograph not more
25 than five years old and of a size and quality that the secretary of
26 state determines to be suitable for reproduction in the voters'
27 pamphlet;

28 (3) In odd-numbered years, if any office voted upon statewide
29 appears on the ballot due to a vacancy, then statements and photographs
30 for candidates for any vacant office listed in subsection (2) of this
31 section must appear;

32 (4) In even-numbered years, a section explaining how voters may
33 participate in the election campaign process; the address and telephone
34 number of the public disclosure commission established under RCW
35 42.17.350; and a summary of the disclosure requirements that apply when
36 contributions are made to candidates and political committees;

1 (5) In even-numbered years the name, address, and telephone number
2 of each political party for which a candidate appearing on the ballot
3 has expressed a preference on his or her declaration of candidacy, if
4 the party has provided that information to the secretary of state;

5 (6) In each odd-numbered year immediately before a year in which a
6 president of the United States is to be nominated and elected,
7 information explaining the precinct caucus and convention process used
8 by each major political party to elect delegates to its national
9 presidential candidate nominating convention. The pamphlet must also
10 provide a description of the statutory procedures by which minor
11 political parties are formed and the statutory methods used by the
12 parties to nominate candidates for president;

13 (7) In even-numbered years, a description of the office of precinct
14 committee officer and its duties;

15 (8) An application form for an absentee ballot;

16 (9) A brief statement explaining the deletion and addition of
17 language for proposed measures under RCW 29A.32.080;

18 (10) Any additional information pertaining to elections as may be
19 required by law or in the judgment of the secretary of state is deemed
20 informative to the voters.

21 NEW SECTION. **Sec. 232.** (1) The maximum number of words for
22 statements submitted by candidates is as follows: State
23 representative, one hundred words; state senator, judge of the superior
24 court, judge of the court of appeals, justice of the supreme court, and
25 all state offices voted upon throughout the state, except that of
26 governor, two hundred words; president and vice president, United
27 States senator, United States representative, and governor, three
28 hundred words.

29 (2) Arguments written by committees under RCW 29A.32.060 may not
30 exceed two hundred fifty words in length.

31 (3) Rebuttal arguments written by committees may not exceed
32 seventy-five words in length.

33 (4) The secretary of state shall allocate space in the pamphlet
34 based on the number of candidates for each office.

35 NEW SECTION. **Sec. 233.** On or before the day following the last
36 day allowed for candidates to withdraw under RCW 29A.24.130, the

1 secretary of state shall certify to each county auditor a list of the
2 candidates who have filed declarations of candidacy in his or her
3 office for the primary. For each office, the certificate shall include
4 the name of each candidate, his or her address, and his or her party
5 preference, if any.

6 NEW SECTION. **Sec. 234.** (1) Except as provided to the contrary in
7 RCW 82.14.036, 82.46.021, or 82.80.090, the ballot title of any
8 referendum filed on an enactment or portion of an enactment of a local
9 government and any other question submitted to the voters of a local
10 government consists of three elements: (a) An identification of the
11 enacting legislative body and a statement of the subject matter; (b) a
12 concise description of the measure; and (c) a question. The ballot
13 title must conform with the requirements and be displayed substantially
14 as provided under RCW 29A.72.050, except that the concise description
15 must not exceed seventy-five words. If the local governmental unit is
16 a city or a town, the concise statement shall be prepared by the city
17 or town attorney. If the local governmental unit is a county, the
18 concise statement shall be prepared by the prosecuting attorney of the
19 county. If the unit is a unit of local government other than a city,
20 town, or county, the concise statement shall be prepared by the
21 prosecuting attorney of the county within which the majority area of
22 the unit is located.

23 (2) A referendum measure on the enactment of a unit of local
24 government shall be advertised in the manner provided for candidates
25 for elective office.

26 (3) Subsection (1) of this section does not apply if another
27 provision of law specifies the ballot title for a specific type of
28 ballot question or proposition.

29 NEW SECTION. **Sec. 235.** Except for the candidates for the
30 positions of president and vice president or for a partisan or
31 nonpartisan office for which no primary is required, the names of all
32 candidates who, under this title, filed a declaration of candidacy will
33 appear on the appropriate ballot at the primary throughout the
34 jurisdiction of the office for which they are a candidate.

1 NEW SECTION. **Sec. 236.** (1) Except as provided in RCW 29A.36.180
2 and in subsection (2) of this section, on the ballot at the general
3 election for an office for which a primary was held, only the names of
4 the candidate who received the greatest number of votes and the
5 candidate who received the next greatest number of votes for that
6 office shall appear under the title of that office, and the names shall
7 appear in that order. If a primary was conducted, no candidate's name
8 may be printed on the subsequent general election ballot unless he or
9 she receives at least one percent of the total votes cast for that
10 office at the preceding primary. On the ballot at the general election
11 for an office for which no primary was held, the names of the
12 candidates shall be listed in the order determined under RCW
13 29A.36.130.

14 (2) On the ballot at the general election for the office of justice
15 of the supreme court, judge of the court of appeals, judge of the
16 superior court, or state superintendent of public instruction, if a
17 candidate in a contested primary receives a majority of all the votes
18 cast for that office or position, only the name of that candidate may
19 be printed under the title of the office for that position.

20 NEW SECTION. **Sec. 237.** The names of the persons certified by the
21 secretary of state or the county canvassing board as having qualified
22 to appear on the general election ballot shall be printed on the ballot
23 at the ensuing election.

24 No name of any candidate for an office for which a primary is
25 conducted may be placed upon the ballot at a general or special
26 election unless it appears upon the certificate of either (1) the
27 secretary of state or (2) the county canvassing board.

28 Excluding the office of precinct committee officer or a temporary
29 elected position such as a charter review board member or freeholder,
30 a candidate's name shall not appear more than once upon a ballot for a
31 position regularly elected at the same election.

32 NEW SECTION. **Sec. 238.** Whenever it shall be necessary to hold a
33 special election in an odd-numbered year to fill an unexpired term of
34 any office which is scheduled to be voted upon for a full term in an
35 even-numbered year, no primary election shall be held in the odd-

1 numbered year if, after the last day allowed for candidates to withdraw
2 no more than two candidates have filed a declaration of candidacy for
3 a single office to be filled.

4 In this event, the officer with whom the declarations of candidacy
5 were filed shall immediately notify all candidates concerned and the
6 names of the candidates that would have been printed upon the primary
7 ballot, but for the provisions of this section, shall be printed as
8 candidates for the positions sought upon the general election ballot.

9 NEW SECTION. **Sec. 239.** Candidates for partisan offices will
10 appear on the ballot at primaries held under this chapter.

11 NEW SECTION. **Sec. 240.** (1) Whenever candidates for partisan
12 office are to be elected, the general election must be preceded by a
13 primary conducted under this chapter, except as otherwise provided in
14 law. Based upon votes cast at the primary, two candidates must be
15 certified as qualified to appear on the general election ballot, under
16 sections 236 and 242 of this act.

17 (2) A primary may not be used to select the nominees of a political
18 party. A primary is a critical stage in the public process by which
19 voters elect candidates to public office.

20 (3) If a candidate indicates a political philosophy as provided by
21 section 214(3) or 215 of this act on his or her declaration of
22 candidacy, then the philosophy will be listed for the candidate on the
23 primary and general election ballots. Each candidate who does not
24 express a philosophy will be listed as an independent candidate on the
25 primary and general election ballots. Political philosophy will be
26 listed for the information of the voters only, and may not be used for
27 any purpose relating to the conduct, canvassing, or certification of
28 the primary, and may in no way limit the options available to voters in
29 deciding for whom to cast a vote.

30 NEW SECTION. **Sec. 241.** The offices of superintendent of public
31 instruction, justice of the supreme court, judge of the court of
32 appeals, judge of the superior court, and judge of the district court
33 shall be nonpartisan and the candidates therefor shall be qualified and
34 elected as such.

1 All city, town, and special purpose district elective offices shall
2 be nonpartisan and the candidates therefor shall be qualified and
3 elected as such.

4 NEW SECTION. **Sec. 242.** No later than the day following the
5 certification of the returns of any primary, the secretary of state
6 shall certify to the appropriate county auditors, the names of all
7 persons qualified to appear on the general election ballot as
8 candidates for offices, the returns of which have been canvassed by the
9 secretary of state.

10 NEW SECTION. **Sec. 243.** Except as provided in RCW 29A.32.260,
11 notice for any state, county, district, or municipal election, whether
12 special or general, must be given by at least one publication not more
13 than ten nor less than three days before the election by the county
14 auditor or the officer conducting the election as the case may be, in
15 one or more newspapers of general circulation within the county. The
16 legal notice must contain the title of each office under the proper
17 party preference, the names and addresses of all candidates who have
18 been qualified to appear on the ballot for an office to be voted upon
19 at that election, together with the ballot titles of all measures, the
20 hours during which the polls will be open, and the polling places for
21 each precinct, giving the address of each polling place. The names of
22 all candidates for nonpartisan offices must be published separately
23 with designation of the offices for which they are candidates but
24 without party designation. This is the only notice required for a
25 state, county, district, or municipal general or special election and
26 supersedes the provisions of any and all other statutes, whether
27 general or special in nature, having different requirements for the
28 giving of notice of any general or special elections.

29 NEW SECTION. **Sec. 244.** (1) For any office at any election or
30 primary, any voter may write in on the ballot the name of any person
31 for an office who has filed as a write-in candidate for the office in
32 the manner provided by section 226 of this act and such vote shall be
33 counted the same as if the name had been printed on the ballot and
34 marked by the voter. No write-in vote made for any person who has not
35 filed a declaration of candidacy pursuant to section 226 of this act is

1 valid if that person filed for the same office, either as a regular
2 candidate or a write-in candidate, at the preceding primary. Any
3 abbreviation used to designate office, position, or political party
4 shall be accepted if the canvassing board can determine, to their
5 satisfaction, the voter's intent.

6 (2) The number of write-in votes cast for each office must be
7 recorded and reported with the canvass for the election.

8 (3) Write-in votes cast for an individual candidate for an office
9 need not be tallied if the total number of write-in votes cast for the
10 office is not greater than the number of votes cast for the candidate
11 apparently qualified to appear on the general election ballot or
12 elected, and the write-in votes could not have altered the outcome of
13 the primary or election. In the case of write-in votes for statewide
14 office or for any office whose jurisdiction encompasses more than one
15 county, write-in votes for an individual candidate must be tallied
16 whenever the county auditor is notified by either the office of the
17 secretary of state or another auditor in a multicounty jurisdiction
18 that it appears that the write-in votes could alter the outcome of the
19 primary or election.

20 (4) In the case of statewide offices or jurisdictions that
21 encompass more than one county, if the total number of write-in votes
22 cast for an office within a county is greater than the number of votes
23 cast for a candidate apparently qualified to appear on the general
24 election ballot or elected in a primary or election, the auditor shall
25 tally all write-in votes for individual candidates for that office and
26 notify the office of the secretary of state and the auditors of the
27 other counties within the jurisdiction, that the write-in votes for
28 individual candidates should be tallied.

29 NEW SECTION. **Sec. 245.** (1) If the requisite number of any
30 federal, state, county, city, or district offices have not qualified to
31 appear on the general election ballot in a primary by reason of two or
32 more persons having an equal and requisite number of votes for being
33 placed on the general election ballot, the official empowered by state
34 law to certify candidates for the general election ballot shall give
35 notice to the several persons so having the equal and requisite number
36 of votes to attend at the appropriate office at the time designated by

1 that official, who shall then and there proceed publicly to decide by
2 lot which of those persons will be declared qualified and placed on the
3 general election ballot.

4 (2) If the requisite number of any federal, state, county, city,
5 district, or precinct officers have not been elected by reason of two
6 or more persons having an equal and highest number of votes for one and
7 the same office, the official empowered by state law to issue the
8 original certificate of election shall give notice to the several
9 persons so having the highest and equal number of votes to attend at
10 the appropriate office at the time to be appointed by that official,
11 who shall then and there proceed publicly to decide by lot which of
12 those persons will be declared duly elected, and the official shall
13 make out and deliver to the person thus duly declared elected a
14 certificate of election.

15 NEW SECTION. **Sec. 246.** An officer of a political party or any
16 person for whom votes were cast in a primary who was not declared
17 qualified to appear on the general election ballot may file a written
18 application for a recount of the votes or a portion of the votes cast
19 at that primary for all persons for whom votes were cast for that
20 office.

21 An officer of a political party or any person for whom votes were
22 cast at any election may file a written application for a recount of
23 the votes or a portion of the votes cast at that election for all
24 candidates for election to that office.

25 Any group of five or more registered voters may file a written
26 application for a recount of the votes or a portion of the votes cast
27 upon any question or issue. They shall designate one of the members of
28 the group as chair and shall indicate the voting residence of each
29 member of the group.

30 An application for a recount of the votes cast for an office or on
31 a ballot measure must be filed with the officer with whom filings are
32 made for the jurisdiction.

33 An application for a recount must specify whether the recount will
34 be done manually or by the vote tally system. A recount done by the
35 vote tally system must use programming that recounts and reports only
36 the office or ballot measure in question. The county shall also
37 provide for a test of the logic and accuracy of that program.

1 An application for a recount must be filed within three business
2 days after the county canvassing board or secretary of state has
3 declared the official results of the primary or election for the office
4 or issue for which the recount is requested.

5 This chapter applies to the recounting of votes cast by paper
6 ballots and to the recounting of votes recorded on ballots counted by
7 a vote tally system.

8 NEW SECTION. **Sec. 247.** (1) If the official canvass of all of the
9 returns for any office at any primary or election reveals that the
10 difference in the number of votes cast for a candidate apparently
11 qualified to appear on the general election ballot or elected to any
12 office and the number of votes cast for the closest apparently defeated
13 opponent is less than two thousand votes and also less than one-half of
14 one percent of the total number of votes cast for both candidates, the
15 county canvassing board shall conduct a recount of all votes cast on
16 that position.

17 (a) Whenever such a difference occurs in the number of votes cast
18 for candidates for a position the declaration of candidacy for which
19 was filed with the secretary of state, the secretary of state shall,
20 within three business days of the day that the returns of the primary
21 or election are first certified by the canvassing boards of those
22 counties, direct those boards to recount all votes cast on the
23 position.

24 (b) If the difference in the number of votes cast for the apparent
25 winner and the closest apparently defeated opponent is less than one
26 hundred fifty votes and also less than one-fourth of one percent of the
27 total number of votes cast for both candidates, the votes shall be
28 recounted manually or as provided in subsection (3) of this section.

29 (2) A mandatory recount shall be conducted in the manner provided
30 by sections 248, 249, and 250 of this act. No cost of a mandatory
31 recount may be charged to any candidate.

32 (3) The apparent winner and closest apparently defeated opponent
33 for an office for which a manual recount is required under subsection
34 (1)(b) of this section may select an alternative method of conducting
35 the recount. To select such an alternative, the two candidates shall
36 agree to the alternative in a signed, written statement filed with the
37 election official for the office. The recount shall be conducted using

1 the alternative method if: It is suited to the balloting system that
2 was used for casting the votes for the office; it involves the use of
3 a vote tallying system that is approved for use in this state by the
4 secretary of state; and the vote tallying system is readily available
5 in each county required to conduct the recount. If more than one
6 balloting system was used in casting votes for the office, an
7 alternative to a manual recount may be selected for each system.

8 NEW SECTION. **Sec. 248.** An application for a recount shall state
9 the office for which a recount is requested and whether the request is
10 for all or only a portion of the votes cast in that jurisdiction of
11 that office. The person filing an application for a manual recount
12 shall, at the same time, deposit with the county canvassing board or
13 secretary of state, in cash or by certified check, a sum equal to
14 twenty-five cents for each ballot cast in the jurisdiction or portion
15 of the jurisdiction for which the recount is requested as security for
16 the payment of any costs of conducting the recount. If the application
17 is for a machine recount, the deposit must be equal to fifteen cents
18 for each ballot. These charges shall be determined by the county
19 canvassing board or boards under RCW 29A.64.080.

20 The county canvassing board shall determine a time and a place or
21 places at which the recount will be conducted. This time shall be less
22 than three business days after the day upon which: The application was
23 filed with the board; the request for a recount or directive ordering
24 a recount was received by the board from the secretary of state; or the
25 returns are certified which indicate that a recount is required under
26 RCW 29A.64.020 for an issue or office voted upon only within the
27 county. Not less than two days before the date of the recount, the
28 county auditor shall mail a notice of the time and place of the recount
29 to the applicant or affected parties and, if the recount involves an
30 office, to any person for whom votes were cast for that office. The
31 county auditor shall also notify the affected parties by either
32 telephone, fax, e-mail, or other electronic means at the time of
33 mailing. At least three attempts must be made over a two-day period to
34 notify the affected parties or until the affected parties have received
35 the notification. Each attempt to notify affected parties must request
36 a return response indicating that the notice has been received. Each

1 person entitled to receive notice of the recount may attend, witness
2 the recount, and be accompanied by counsel.

3 Proceedings of the canvassing board are public under chapter 42.30
4 RCW. Subject to reasonable and equitable guidelines adopted by the
5 canvassing board, all interested persons may attend and witness a
6 recount.

7 NEW SECTION. **Sec. 249.** (1) At the time and place established for
8 a recount, the canvassing board or its duly authorized representatives,
9 in the presence of all witnesses who may be in attendance, shall open
10 the sealed containers containing the ballots to be recounted, and shall
11 recount the votes for the offices or issues for which the recount has
12 been ordered. Ballots shall be handled only by the members of the
13 canvassing board or their duly authorized representatives.

14 Witnesses shall be permitted to observe the ballots and the process
15 of tabulating the votes, but they shall not be permitted to handle the
16 ballots. The canvassing board shall not permit the tabulation of votes
17 for any office or issue other than the ones for which a recount was
18 applied for or required.

19 (2) At any time before the ballots from all of the precincts listed
20 in the application for the recount have been recounted, the applicant
21 may file with the board a written request to stop the recount.

22 (3) The recount may be observed by persons representing the
23 candidates affected by the recount or the persons representing both
24 sides of an issue that is being recounted. The observers may not make
25 a record of the names, addresses, or other information on the ballots,
26 poll books, or applications for absentee ballots unless authorized by
27 the superior court. The secretary of state or county auditor may limit
28 the number of observers to not less than two on each side if, in his or
29 her opinion, a greater number would cause undue delay or disruption of
30 the recount process.

31 NEW SECTION. **Sec. 250.** Upon completion of the canvass of a
32 recount, the canvassing board shall prepare and certify an amended
33 abstract showing the votes cast in each precinct for which the recount
34 was conducted. Copies of the amended abstracts must be transmitted to
35 the same officers who received the abstract on which the recount was
36 based.

1 If the office or issue for which the recount was conducted was
2 submitted only to the voters of a county, the canvassing board shall
3 file the amended abstract with the original results of that election or
4 primary.

5 If the office or issue for which a recount was conducted was
6 submitted to the voters of more than one county, the secretary of state
7 shall canvass the amended abstracts and shall file an amended abstract
8 with the original results of that election. An amended abstract
9 certified under this section supersedes any prior abstract of the
10 results for the same offices or issues at the same primary or election.

11 NEW SECTION. **Sec. 251.** The canvassing board shall determine the
12 expenses for conducting a recount of votes.

13 The cost of the recount shall be deducted from the amount deposited
14 by the applicant for the recount at the time of filing the request for
15 the recount, and the balance shall be returned to the applicant. If
16 the costs of the recount exceed the deposit, the applicant shall pay
17 the difference. No charges may be deducted by the canvassing board
18 from the deposit for a recount if the recount changes the result of the
19 primary or election for which the recount was ordered.

20 NEW SECTION. **Sec. 252.** Any justice of the supreme court, judge of
21 the court of appeals, or judge of the superior court in the proper
22 county shall, by order, require any person charged with error, wrongful
23 act, or neglect to forthwith correct the error, desist from the
24 wrongful act, or perform the duty and to do as the court orders or to
25 show cause forthwith why the error should not be corrected, the
26 wrongful act desisted from, or the duty or order not performed,
27 whenever it is made to appear to such justice or judge by affidavit of
28 an elector that:

29 (1) An error or omission has occurred or is about to occur in
30 printing the name of any candidate on official ballots; or

31 (2) An error other than as provided in subsections (1) and (3) of
32 this section has been committed or is about to be committed in printing
33 the ballots; or

34 (3) The name of any person has been or is about to be wrongfully
35 placed upon the ballots; or

1 (4) A wrongful act other than as provided for in subsections (1)
2 and (3) of this section has been performed or is about to be performed
3 by any election officer; or

4 (5) Any neglect of duty on the part of an election officer other
5 than as provided for in subsections (1) and (3) of this section has
6 occurred or is about to occur; or

7 (6) An error or omission has occurred or is about to occur in the
8 issuance of a certificate of election.

9 An affidavit of an elector under subsections (1) and (3) above when
10 relating to a primary election must be filed with the appropriate court
11 no later than the second Friday following the closing of the filing
12 period for such office and shall be heard and finally disposed of by
13 the court not later than five days after the filing thereof. An
14 affidavit of an elector under subsections (1) and (3) of this section
15 when relating to a general election must be filed with the appropriate
16 court no later than three days following the official certification of
17 the primary election returns and shall be heard and finally disposed of
18 by the court not later than five days after the filing thereof. An
19 affidavit of an elector under subsection (6) of this section shall be
20 filed with the appropriate court no later than ten days following the
21 issuance of a certificate of election.

22 NEW SECTION. **Sec. 253.** The following apply to persons signing
23 petitions prescribed by sections 209 and 218 of this act:

24 (1) A person who signs a petition with any other than his or her
25 name shall be guilty of a misdemeanor.

26 (2) A person shall be guilty of a misdemeanor if the person
27 knowingly: Signs more than one petition for any single candidacy of
28 any single candidate; signs the petition when he or she is not a legal
29 voter; or makes a false statement as to his or her residence.

30 NEW SECTION. **Sec. 254.** Every person who:

31 (1) Knowingly provides false information on his or her declaration
32 of candidacy, filing petition, or nominating petition; or

33 (2) Conceals or fraudulently defaces or destroys a certificate that
34 has been filed with an elections officer under sections 207 through 212
35 of this act or a declaration of candidacy or petition of nomination

1 that has been filed with an elections officer, or any part of such a
2 certificate, declaration, or petition, is guilty of a class C felony
3 punishable under RCW 9A.20.021.

4 NEW SECTION. **Sec. 255.** Every person who:

5 (1) Knowingly and falsely issues a certificate of qualification or
6 election; or

7 (2) Knowingly provides false information on a certificate which
8 must be filed with an elections officer under sections 207 through 212
9 of this act, is guilty of a class C felony punishable under RCW
10 9A.20.021.

11 NEW SECTION. **Sec. 256.** (1) The subheadings in chapter 29A.52 RCW
12 "PARTISAN PRIMARIES" AND "NONPARTISAN PRIMARIES" will be combined under
13 one subheading "PRIMARIES."

14 (2) The subheading in chapter 29A.20 RCW "MINOR PARTY AND
15 INDEPENDENT CANDIDATE NOMINATIONS" will be changed to "MINOR AND
16 INDEPENDENT PRESIDENTIAL CANDIDATES."

17 NEW SECTION. **Sec. 257.** Sections 201 through 255 of this act
18 constitute a new chapter in Title 29A RCW.

19 **PART 3 - SELECTION OF PRIMARY PROCEDURES**

20 NEW SECTION. **Sec. 301.** A new section is added to chapter 29A.52
21 RCW to read as follows:

22 No political party or person may obtain information from any state
23 or local governmental unit that could link a particular voter to the
24 votes cast by that voter, or could reveal the choice of party ballot
25 made by any particular unaffiliated voter.

26 After June 15, 2004, if before March 1st in any election year, the
27 rules of a major political party require the disclosure of information
28 from any state or local governmental unit that could link a particular
29 voter to the votes cast by that voter, or could reveal the choice of
30 party ballot made by any particular unaffiliated voter, the party must
31 nominate its candidates according to section 302 of this act for that
32 election year and the following election year.

1 After June 15, 2004, if after March 1st in any election year, the
2 rules of a major political party require the disclosure of information
3 from any state or local governmental unit that could link a particular
4 voter to the votes cast by that voter, or could reveal the choice of
5 party ballot made by any particular unaffiliated voter, the party must
6 nominate its candidates according to section 302 of this act for the
7 following two election years.

8 For the purposes of this section, an "election year" begins on
9 November 1st and continues until October 31st of the next year.

10 NEW SECTION. **Sec. 302.** A new section is added to chapter 29A.52
11 RCW to read as follows:

12 If the state chair of a major political party has provided the
13 secretary of state with a signed statement refusing to consent to the
14 participation of unaffiliated voters in that party's primary as
15 described in section 157(2) of this act, or if section 301 of this act
16 applies, the following provisions apply to that party's nomination of
17 candidates for the general election:

18 (1) The major political party shall be deemed a party not
19 participating in the primary and must nominate its candidates for the
20 general election using the processes otherwise applicable to minor
21 political parties and independent candidates contained in RCW
22 29A.20.110 through 29A.20.200.

23 (2) The party shall submit to the secretary of state the names and
24 voter registration addresses of the registered party members of the
25 party who participated in the nomination of a party candidate to the
26 general election ballot. The secretary of state shall: (a) Segregate
27 the names and addresses by county; and (b) transmit the names and
28 addresses of the party members from each county to the county auditor
29 for that county.

30 (3) Any voter who participated in the nomination of a candidate may
31 only vote a nonpartisan ballot in the subsequent primary. The county
32 auditor for the county in which the voter is registered to vote shall
33 provide a nonpartisan ballot for the voter's use at the primary, if
34 nonpartisan races or ballot measures are on the ballot.

35 (4) The expenses incurred to nominate a candidate for inclusion on
36 the general election ballot shall be borne by that party to the same

1 extent as such expenses are borne by minor political parties and
2 independent candidates.

3 (5) This section does not apply if the secretary of state has
4 issued notice under section 303 of this act that no partisan primary
5 may be held.

6 NEW SECTION. **Sec. 303.** A new section is added to chapter 29A.52
7 RCW to read as follows:

8 (1) After June 15, 2004, if on March 15th every major political
9 party: (a) Has refused to consent to the participation of unaffiliated
10 voters under section 157 of this act; or (b) will not be participating
11 in the forthcoming partisan primary due to a violation of section 301
12 of this act, no partisan primary may be held.

13 (2) If subsection (1) of this section applies, no later than March
14 15th the secretary of state shall notify the governor, the majority and
15 minority leaders of the two largest caucuses in the senate and the
16 house of representatives, the code reviser, and each county auditor
17 that all major parties are ineligible to participate in the partisan
18 primaries described in this title. Upon issuance of the notification,
19 no partisan primary will be held in that calendar year.

20 (3) The secretary of state shall determine each year thereafter
21 whether subsection (1) of this section continues to apply, and shall
22 notify the governor, the majority and minority leaders of the two
23 largest caucuses in the senate and the house of representatives, the
24 code reviser, and each county auditor accordingly.

25 (4) All eligible electors may only vote a nonpartisan ballot in the
26 primary.

27 (5) Until such time as subsection (1) of this section no longer
28 applies, the state and counties shall conduct qualifying primaries as
29 provided in chapter 29A.-- RCW (sections 201 through 255 of this act).

30 **PART 4 - MISCELLANEOUS PROVISIONS**

31 NEW SECTION. **Sec. 401.** If any provision of this act or its
32 application to any person or circumstance is held invalid, the
33 remainder of the act or the application of the provision to other
34 persons or circumstances is not affected.

1 NEW SECTION. **Sec. 402.** Part headings used in this act are not any
2 part of the law.

3 NEW SECTION. **Sec. 403.** This act is necessary for the immediate
4 preservation of the public peace, health, or safety, or support of the
5 state government and its existing public institutions, and takes effect
6 immediately, except for section 173 of this act which takes effect June
7 30, 2005.

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